

Also, petition of H. L. Russell, dean of Agricultural College of Wisconsin, for House bill 15422; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of legislature of Wisconsin, for enactment of House bill 39, relative to extending limits of Shiloh National Park; to the Committee on Military Affairs.

By Mr. COX of Ohio: Petition of Butler Encampment of Odd Fellows, of Hamilton, Ohio, for legislation making it a criminal offense for any person, firm, or corporation to publish, sell, or offer for sale what purports to be the written work of any fraternal order; to the Committee on the Judiciary.

Also, petition of Mitchell Post, No. 361, Grand Army of the Republic, of Camden, Ohio, and Milton Weaver Post, No. 594, Grand Army of the Republic, of Vandalia, Ohio, for amendment of the age pension bill; to the Committee on Invalid Pensions.

By Mr. DICKINSON: Paper to accompany bill for relief of Anna L. Yable; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Fort Edwards Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

By Mr. ENGLEBRIGHT: Petition of Pacific Slope Congress, regarding a breakwater at Monterey Bay; to the Committee on Rivers and Harbors.

Also, petition of D. A. Russell and others, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of the California Society of Sons of the Revolution, regarding unpublished archives of the War of the Rebellion; to the Committee on Printing.

Also, petition of Pacific Slope Congress, regarding a national highway; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of officers of Milford Grange, No. 773, Patrons of Husbandry, of Juniata County, Pa., favoring Senate bill 5842, relative to oleomargarine law; to the Committee on Agriculture.

By Mr. GARNER of Texas: Petition of Schertz (Tex.) Camp, No. 1262, Woodmen of the World, favoring the Dodds bill; to the Committee on the Post Office and Post Roads.

By Mr. HAMER: Paper to accompany bill for relief of George Pool; to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of committee of employees of Chicago Great Western Railway at Mankato, Minn., for hearings on railway rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnesota Cannery Association, for Federal inspection of canning factories and canned products; to the Committee on Agriculture.

By Mr. HAVENS: Paper to accompany bill for relief of Willis C. Hadley; to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of James W. Hollandsworth; to the Committee on Pensions.

Also, papers to accompany bills for relief of William H. Huffman and Amanda C. Swiger; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of Charles Ladshaw; to the Committee on Pensions.

By Mr. JOYCE: Petitions of Dresden (Ohio) Post, No. 415, and Newport (Ohio) Post, No. 489, Grand Army of the Republic, for amendment to the age pension act; to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petition of Walter Richards, of Brookville, Pa., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Brookville (Pa.) Brewing Co., for removal of the tariff on barley; to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of James Malloy; to the Committee on Pensions.

By Mr. McHENRY: Petitions of Granges Nos. 34, 941, 924, 365, and 1338, for Senate bill 5842 and House bill 20582; to the Committee on Agriculture.

By Mr. MARTIN of Colorado: Paper to accompany bill for relief of Benjamin Dwight Critchlow; to the Committee on War Claims.

By Mr. MOON of Pennsylvania: Petition of David Lupton's Sons Co., of Philadelphia, Pa., favoring New Orleans for the Panama Canal Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of E. H. Price; to the Committee on Invalid Pensions.

Also, papers to accompany a bill to authorize the Secretary of War to resurvey a strip of land in Hamilton County, Tenn.; to the Committee on Claims.

Also, paper to accompany bill for relief of Elijah W. Fowler; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of the Civil Service Reform Association of Pennsylvania, to enlarge scope of civil-service law; to the Committee on Reform in the Civil Service.

Also, petition of Coppack Warner Lumber Co., of Philadelphia, Pa., favoring New Orleans for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Retail Clerks' International Protective Association, Local No. 262, against increase of labor hours for Government employees; to the Committee on Labor.

By Mr. ROTHERMEL: Petition of David W. Bohn and Henry A. Miller, of Grange No. 551, Patrons of Husbandry, of Shoemakersville, Pa., for amendment of law on oleomargarine (S. 5842); to the Committee on Agriculture.

By Mr. SHEFFIELD: Papers to accompany bills for relief of Thomas Blacklock, William G. Baker, and Margarite D. Pollard; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Paper to accompany bill for relief of George W. Davis; to the Committee on Pensions.

By Mr. WOOD of New Jersey: Memorial of Woman's Literary Club of Bound Brook, N. J., asking for the speedy and thorough investigation of the spread of disease to human beings from dairy products; to the Committee on Agriculture.

Also, affidavits to accompany House bill granting an increase of pension to Thomas Skillman; to the Committee on Invalid Pensions.

Also, petition of R. V. Kuser, of the People's Brewing Co., of Trenton, N. J., for the removal of the tariff on barley; to the Committee on Ways and Means.

By Mr. VREELAND: Petition of Jamestown Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

SENATE

SATURDAY, December 17, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock m., Thursday, January 5, 1911, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 27400) to repeal an act authorizing the issuance of a patent to James F. Rowell, and it was thereupon signed by the Vice President.

HOLIDAY RECESS.

Mr. HALE. I ask the Chair to lay before the Senate the privileged resolution from the House.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 55) of the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
December 16, 1910.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock m., Thursday, January 5, 1911.

Mr. HALE. I move that the concurrent resolution be referred to the Committee on Appropriations.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of sundry citizens and business firms of Nixon and Fort Worth, Tex.; of Elwood, Ind.; of Bellefontaine, Ohio; of Kankakee, Ill.; and of Demopolis, Ala., remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a petition of the Retail Grocers' Association of Joliet, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Kenesaw Post, No. 77, Department of Illinois, Grand Army of the Republic, of Danville, Ill., remonstrating against the establishment of a volunteer officers' retired list, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented petitions of the Ministers' Association and of sundry citizens of Havre de Grace, Md., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Sempervirens Club, of California, praying for the enactment of legislation authorizing the granting of certain lands to the State of California to be added to the California Redwood Park, which was referred to the Committee on Public Lands.

He also presented a petition of a committee representing California oil men and placer mining locators, praying for the enactment of legislation to encourage the development and improvement of oil-mining lands and the oil-mining industry, etc., which was referred to the Committee on Public Lands.

Mr. PILES presented a petition of Local Lodge No. 1118, Modern Brotherhood of America, of Tacoma, Wash., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades Council of Everett, Wash., praying for the enactment of legislation to restrict immigration, which was referred to the Committee on Immigration.

LANDS IN MILLARD COUNTY, UTAH.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah, reported it without amendment and submitted a report (No. 934) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 9657) to provide for the erection of a public building at Attleboro, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Wyoming:

A bill (S. 9658) granting an increase of pension to Andrew Scoonmaker; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 9659) to maintain at the United States Military Academy an engineer detachment; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 9660) granting an increase of pension to John Gillespie (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 9661) granting an increase of pension to Leonora M. Talbot (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 9662) granting an increase of pension to George W. Brandon (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 9663) granting a pension to Mary G. McCarty (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 9664) granting an increase of pension to Jacob A. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 9665) to forbid the issuance of license for the sale or manufacture of intoxicating liquors or beverages within the limits of any State prohibiting the sale or manufacture thereof; to the Committee on the Judiciary.

A bill (S. 9666) granting an increase of pension to Perry C. Hughes; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 9667) granting an increase of pension to George W. Pitner; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 9668) for the relief of William Haycraft and others; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OWEN submitted an amendment providing that the funds arising from the sale of unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians, subject to the proper distribution under the law, shall be disposed of temporarily by the Secretary of the Interior in convenient national banks of the State of

Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$10,000 to enable the President of the United States to extend an invitation to the Governments of foreign nations to send delegates to an international congress on social insurance, to discuss employers' liability negligence laws, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate \$100,000 for improving the waterway between Jefferson, Tex., and Shreveport, La., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for the construction of Lock and Dam No. 7 and lock and dam at White Rock Shoals, Trinity River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$100,000 for improving Brazos River, Tex., from Old Washington to Waco, and for the construction of Lock and Dam No. 8, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$375,000 for the construction of a deep-water harbor or port within the entrance to Aransas Pass at Harbor Island, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

SITE FOR DISTRICT OF COLUMBIA REFORMATORY.

Mr. DU PONT. I ask unanimous consent to call up the resolution I submitted yesterday relating to a site for the District of Columbia reformatory.

The VICE PRESIDENT. The resolution will be read for information.

The Secretary read Senate resolution No. 310, submitted yesterday by Mr. DU PONT, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate, as early as possible, whether they have selected a tract of land to be used as a site for the construction and erection of a reformatory, as authorized by the act approved March 3, 1909, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;" and if a tract of land for such site has been selected, to report to the Senate the location thereof, giving its approximate distance from the home and grave of George Washington, and also to report to the Senate the reasons for such selection.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. Mr. President, this is a matter very few of us know anything about. Before any action is taken I wish the Senator from Delaware would give us the facts about the whole situation.

Mr. DU PONT. I believe, Mr. President, I have the floor, and I was about doing so when the Senator from Maine rose.

Mr. HALE. The Senator need not consider what I said as an objection to his explaining the resolution.

Mr. DU PONT. I understand that.

Mr. President, pursuant to legislation passed at the last session, the Commissioners of the District of Columbia were required to select a site for the establishment of a house of refuge for the District in the limits of the State of Virginia. It appears that they have selected a locality in the immediate neighborhood of Mount Vernon, which has given rise to a protest from the Mount Vernon Ladies' Association, which was embodied in a memorial which I presented yesterday.

It seems to me that from some points of view, to say the least, the location selected by the commissioners is most unfortunate and inappropriate. I believe that public opinion throughout the country would be shocked by the establishment of a permanent abode of criminals in the immediate neighborhood of the home and of the last resting place of George Washington, and in very close proximity to other points of historic interest in the State of Virginia.

Under the circumstances, I believe Congress ought to have the information called for in the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

LAWS OF THE PHILIPPINES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a volume containing the laws enacted at a special session of the Second Philippine Legislature, and certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, December 17, 1910.

RULE REGARDING TARIFF LEGISLATION.

Mr. BURNHAM. I ask that Senate bill 7971, commonly known as the omnibus claims bill, be laid before the Senate.

Mr. LODGE. Yesterday the joint resolution introduced by the Senator from Iowa [Mr. CUMMINS], the question on which is one of reference, was allowed to go over, and I supposed it was coming up this morning for disposition and reference. I think it comes over as morning business, does it not?

The VICE PRESIDENT. It comes over to be called up.

Mr. CUMMINS. It was my understanding that it was to be called up this morning for further discussion, and if it is necessary that a formal suggestion of that kind be made, I ask that the joint resolution be now taken up, the pending question being on the motion to refer.

Mr. BURNHAM. Notice has been given, and it was the understanding, I think, that subject to any appropriation bills the omnibus claims bill should be proceeded with this morning.

The VICE PRESIDENT. The Chair does not understand that an order to that effect has been entered, although the Chair may be in error about it.

Mr. BURNHAM. I think it appears on the calendar.

The VICE PRESIDENT. The Senator from New Hampshire simply gave notice that he would make such a request. No order has been entered.

Mr. BURNHAM. No order to that effect has been made?

The VICE PRESIDENT. No order has been entered to that effect. The Senator from Iowa calls up Senate joint resolution 127, which is on the table, and it is in order at this time. The joint resolution will be stated by title.

The SECRETARY. A joint resolution (S. J. Res. 127) to limit the right of amendment to bills introduced to amend an act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

The VICE PRESIDENT. The pending question is on the motion of the Senator from Iowa to refer the joint resolution to the Committee on Rules.

Mr. LODGE. Mr. President, before the joint resolution is referred I desire to say a few words in regard to the measure itself, because I suppose it is not certain how soon it may be reported from that committee, and in a short session, as we are all aware, there is a great pressure of business as we draw near to the 4th of March.

With the purpose of the joint resolution, as I understand it, I am in entire accord. I should differ with the Senator from Iowa as to the method of attaining his object. I do not think any joint resolution is necessary.

I do not care to discuss the legal and constitutional aspects of settling the procedure of the Houses by law, for it seems to me that we can reach the purpose of the joint resolution in a much simpler manner. The House now is in the habit of reporting special rules which cut off all amendments from the subject to be laid before the House under the rule. The power of unlimited amendment to all bills except appropriation bills occurs in the Senate, and if we desire to limit the opportunity for amendment on any phase of a tariff measure an alteration in the rules of the Senate would entirely meet the difficulty, because the House now has the practice and can do it at any time.

There can be no question, I think, Mr. President, as to the absolute authority of each House to settle its own procedure. The House of Representatives, as I have already said, brings in rules constantly cutting off all amendments from the subject of the rule. In the Senate we have limited in many directions the right of amendment and the latitude of amendment to appropriation bills, and, of course, we can exercise that same authority in regard to bills of any other character.

But the purpose of this joint resolution, as I understand it, is to make it possible for a subject, an item, a schedule, a paragraph of a tariff bill to be presented to this body or to the other House without the opportunity to hang upon it an entire revision of the 2,000 and more items of the tariff. I have seen repeatedly during my service here occasions arise when it was extremely desirable that some correction or change should be made in a single clause in a tariff law. I remember there was an error in the Dingley law, either a clerical error or an error of transcription of quite a serious character, and it was practically impossible to deal with it because we were met at once with the objection that, if it was brought into the Senate, amendments would be offered to the entire tariff.

I know that some years ago I was extremely anxious to have in the tariff law the maximum and minimum provision which is now embodied in the present tariff. I introduced a bill to that effect. I discussed it with the Senator from Rhode Island [Mr. ALDRICH], who was as anxious as I to have that provision embodied in our law as very necessary for our own protection to prevent discrimination against us in foreign markets. Nothing was, however, done about it because it was said that if that were presented here an entire tariff revision would be hung upon it. Of course, it may be urged that it is very easy for a majority to vote down all amendments, but when you consider the range of amendments that could be offered to some simple proposition like those I have suggested, it amounts to making it impossible to present any amendment to a tariff bill or a tariff law unless you are prepared to open the whole subject.

A limitation on the right of amendment gives an opportunity, if the majority of either body so decides, to present a single subject or a single item, and not expose it to unlimited amendment. It has seemed to me for many years, Mr. President, that it was unnecessarily shackling the powers of Congress to have it in a position on one great law where it could never make an amendment to that law unless it went through the entire law from beginning to end. It has always seemed to me that that was an absurdity in procedure.

As to the larger necessity, Mr. President, of this change of rule as connected with the tariff commission, I took this subject up at the beginning of the last campaign, on the 28th of June, and in the first speech I made in my own State I discussed very fully the need of a tariff commission. I should like to see a tariff commission of a permanent character, small in numbers, because that is more efficient in work; independent and expert in character, which can furnish the President and Congress with facts as to the cost of production at home and abroad. All that is desired from such a commission is that it should give us the facts on which all intelligent tariff legislation must be based. I do not in the least underrate the labors of the Committee on Ways and Means or of the Committee on Finance, or of the Members of both Houses on every tariff that is presented; nor do I underrate the great knowledge possessed by certain Members of both branches in regard to the tariff; but it is utterly impossible for any body of men within a year or within a few months to master all the subjects which a tariff presents.

Moreover, when the committees bring in their conclusions in the form of rates of duty they have no authority which is universally recognized as disinterested, impartial, and trustworthy to which they can refer. They may bring in authority for the changes they make which is entirely convincing to them, but it does not carry the conviction which such a board as I have described would undoubtedly carry.

Of course, in urging a tariff commission I have no idea of transferring to them any legislative power, even if that were possible under the Constitution; ours is the responsibility, and ours is the power to legislate; but we now can not get the information necessary for a tariff in such a form and from such sources as to carry conviction to Congress itself, and, still less, to the country.

The costs of production abroad and at home are the bases upon which rates of duty must be founded. I think it is essential that we should have some means of getting that information other than those which we possess ourselves.

I have been familiar with the tariff hearings before committees of Congress for many years. We first hear those who represent the industries; second, those who represent the importers; and, third, those who want their raw material reduced or made free without regard to the fact that what is their raw material may very probably be, and indeed must be, some other man's finished product.

From those sources we get a great deal of very valuable information; much of it, undoubtedly, is accurate and true; but it is impossible to dissociate information gathered from sources of that kind from personal interest. It is more or less colored

either in the direction of exaggerating or of minimizing the danger of foreign competition. Those sources of information by their very character seem to me to point to the crying need of some Government board of independent experts, who can gather this information from official and unquestioned sources at home and abroad and then present it to us without bias on their part. There is nothing very novel in the suggestion. It is a system which is in practice in the great commercial countries of Europe having a protective tariff. It is the way the work is done in Germany, where they are as thorough in regard to all economic matters as they are in every other direction; it is the case in France; and the information gathered by these expert boards is all submitted to the Chambers or to the Reichstag as it would be submitted here for the action of the legislative body, and the legislative body may then take any action they please upon it.

To make action based on such reports effective, it is impossible to wait until a commission brings in a report on every item of the tariff. That was tried in 1883, but the commission did no better and not so well as the committees of the Houses; and Congress rejected their report and made a bill of their own. The commission could not get up a bill embracing an entire revision in a few months or even in a year or two; but if you will allow them to take it up subject by subject—I say by subjects in preference to schedules, because some of the schedules are so intertwined that it is impossible to dissociate one schedule from another—but if they are allowed to take it up subject by subject or item by item and make report as they get information, then it would be possible for Congress to deal with those subjects as they come along if they had proper provisions for doing so in their procedure.

Mr. President, during my experience in Congress I have witnessed five tariff revisions. In the last one I took more part in the work than I had in previous revisions because I was a member of the Finance Committee. I have seen just how the work was done. Those revisions were in themselves an unmitigated injury to business. I am not speaking now of the direction in which they went or the policy they pursued; but complete wholesale revisions of the tariff when they have occurred have been an unmitigated injury in a greater or less degree to the industries of the country, and, therefore, to all our business conditions, and they have also been ruinous politically to the party that undertook them.

During the first Congress in which I served as a Member of the other House, Mr. Cleveland sent in his famous one-subject message. On that message was based the Mills bill. That bill occupied the House in discussion until October, and as a result Mr. Cleveland and his party were defeated in the elections of that year, 1888. Then the Republican Party came into power and they met and passed the McKinley bill, which I think became a law in September. Congress was in session until September, as I recall. The result of that legislation was an overwhelming Republican defeat in the elections of 1890. Then the Democratic Party came into control of every branch of the Government, and they composed a tariff in 1894. It was a tariff that I do not think satisfied anybody. It did not satisfy the President and it did not satisfy the country. It was what was known as the Wilson-Gorman bill. At all events, at the next congressional election in 1894, before the silver question had become a sharp and decisive issue, the Democratic Party was swept out of the House of Representatives as completely as we had been swept out in 1890.

We all remember what business conditions had come to be. I am far from suggesting that it was all owing to the tariff legislation, because I think the agitation in regard to silver caused great trouble and unrest, but the industrial condition was a very important factor in the panic and disaster of those years. Within six years we had revised the tariff three times. The result was that there was not an industry in the country which knew what was going to happen to it from month to month. We had succeeded by those rapid revisions in shaking the entire industrial fabric so that nobody knew how he could proceed. Men did not dare to go on and make contracts for the future; they did not dare to enlarge; they were in a condition of suspense and uncertainty, and suspense and uncertainty are the worst possible conditions for business.

After the election of 1894, as everyone knows, the silver question was injected into our politics, and, for the time being, forced other questions somewhat into the background. It has always been my belief that the silver question, thus pushed into the forefront of the political battle, made the chances of the Democratic Party far better politically than they would have been if they had been left on the tariff issue alone. But, however that may be, as it was, they lost the country in 1896 as

they had lost the lower House in the election of 1894, after the enactment of their tariff law of that year.

Then the Republican Party came in again. They passed the Dingley Act of 1897. In my opinion, under the conditions of that day, it was an extremely good tariff, scientifically made, and it was certainly very successful. We did not lose the country in the elections of 1898, as had happened following the three previous revisions, but our majority in the House was much reduced, despite the fact that war with Spain had intervened, which completely overshadowed any domestic issue like the tariff. Even then our margin in the House was reduced, but after what the country had been through from 1888 to 1896 there was a general disposition to let the tariff rest.

I believe thoroughly, as I have already said, that it was a very excellent tariff, well adapted to the conditions of that day, but the great prosperity which ensued during those years, which lasted down to 1907 and which is beyond dispute, was not alone due to the wise provisions of the Dingley bill, but to the fact that we had a period of tariff stability, and tariff stability is the best gift that any tariff law can give to the country. Nothing is so bad for business as suspense and uncertainty. Nothing is so valuable as a reasonable certainty in regard to the future, so far as legislation is concerned. We had 10 years of stable tariff conditions, and that, as well as the wise provisions of the Dingley law, I think was the great cause of our prosperity, so far as law and revenue provisions affect prosperity, and they affect it very greatly. We now have had another revision. We have not benefited business by the agitation, and we have had the usual result to the party which has undertaken it.

It has been borne in upon me, Mr. President, by those experiences and by what has happened that the time has come when we should no longer lag behind every other great commercial nation of the world in our methods of dealing with the rates of duty in our revenue laws. It seems to me that the first and most sensible policy to be pursued by this Government—I do not care which party is in control or which theory of tariff rates prevail—and in the interests of the business of the country is to avoid rapid repetitions of wholesale tariff revisions. For that reason, it seems to me, we ought to be able to deal with anything in the tariff that is demonstrated to be wrong without shaking from one end to the other every industry in the country, many of which exist under tariff conditions which are uncontestedly right.

I am a protectionist, a thorough protectionist, Mr. President. I believe in the policy as deeply as I can believe in any economic policy. I am as strongly for it now as I have ever been in my life. But as a protectionist I believe that disinterested investigation by any board of scientific experts, who will honestly give the facts as to the costs of production, will absolutely sustain the policy of protection. If it can not be sustained on the facts honestly given, then it can not stand, and no system can stand. If the reports of the facts show that a duty is too low, it ought to be raised. If the facts gathered, as I have suggested, show that the duty is too high, it ought to be lowered.

I believe that the measure of protection which was stated in the Republican platform of 1908 and which was stated in almost the same terms by a Democratic platform of some years before, is a proper measure of protection—the difference in the costs of production at home and abroad, as nearly as they can be ascertained, with a reasonable allowance for a margin of profit to the American producer.

I think, Mr. President, that the only way to ascertain the difference in costs of production is by a tariff commission, as I have suggested. You will never get evidence furnished to committees of Congress which will carry conviction to the country at large or to all Members of Congress. You will get no indisputable facts. I think you can get those facts in the way I have suggested. At all events, Mr. President, an alteration of the rules which would enable us to try it, the establishment of a permanent tariff commission which will enable us to try a system which other countries have found efficient, certainly can do no harm, and, I believe, will open the road to a most important reform in our methods of dealing with duties which affect the standing and the operation of every industry in the country.

It is for these reasons, Mr. President, and from the experience which I have had in five revisions, especially from my experience of the last, that I have advocated a commission in every speech I have made on the tariff during the past six months, and that I am in accord with the President in his suggestion that we should have a permanent tariff commission and make the experiment of dealing with tariff changes when they are shown to be necessary, by schedules or items or subjects, and not by precipitating wholesale and violent revisions of the entire law.

I wished, Mr. President, before the joint resolution is sent to the Committee on Rules at least to explain some passing remarks which I made in the running debate the other day and to repeat that I am entirely in accord with the purpose of the joint resolution, as I understand it, although, as the Senator from Iowa is aware, I do not think this is the best way of reaching the object we desire to attain, because I think it involves another House, involves a law, and because I believe we can meet the difficulty by a simple alteration in our own procedure.

Mr. HEYBURN. Mr. President, I should regret conditions that compelled the closing of this discussion this morning. I regard it as perhaps the most important question that will present itself to the Senate at this session. It is the last days of the week, and I am obliged to leave the city at 3 o'clock to keep an engagement made some weeks since. But there is no engagement so pressing that I would not make it wait while I performed what I consider to be a duty in regard to this matter.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I rise simply to say that it had been my purpose, after such Senators as may desire to speak upon the joint resolution this morning have done so, to ask that it lie over until another time, because I know that there are Senators who want to speak upon the subject who are not prepared to go on this morning.

Mr. HEYBURN. Mr. President, I am much gratified at the statement of the Senator, and I will not attempt to-day to enter at any length upon the discussion of this question. I hope to give it a more careful and extended consideration before final action is taken upon the matter of reference.

However, having the attention of the Chair for the moment, I desire to make some suggestions just briefly that they may rest in the minds of Senators who hear them as food for thought between now and the time when we come to the final, responsible consideration of this question.

The protective-tariff policy of the Republican Party partakes more nearly of the nature of an international question than is generally accredited to it. It is the policy of the Government, irrespective of party, with relation to the admission of the other nations of the earth into our markets. It is a policy. It is not a temporary expedient. It is not a question of striving for personal or local advantage as against other of our own people, but it is a question between all the people of the United States and the other nations of the earth. That is the Republican principle of protection as it originally was adopted and accepted, and it can not be changed by platforms, nor can it be construed away by infinite division.

Mr. President, I wish merely to suggest a few of these ideas this morning in order that as the discussion of this question may proceed some notice of the position which I shall elaborate and maintain may be in the minds of Senators.

Mr. President, if we are either by our own act or through a commission to undertake the determination of the exact line that shall mark the difference between the cost of production abroad and at home, and a reasonable profit in addition to that, then we are face to face with the proposition of legislating what shall be a man's profit in his private business. If we are going to place a limitation upon his profit, would it not be as consistent to place a guaranty behind it that he should make that profit? Are we going to make a one-sided guaranty? We say, "You shall not make more than so much;" but we do not undertake to say that "you shall make any profit." We have to consider that question.

I have no sympathy whatever with legislation that undertakes to fix the profit which our own people may make in dealing between themselves. I have no patience with legislation that undertakes to split hairs and draw fine lines as to the advantages which a foreigner may have in our markets—markets belonging to the American people. We want no fine discriminations; we want no expert lead-pencil men to determine just exactly where that line shall be. The merchant knows it; the business man knows it when he casts up his accounts, and nobody knows it before, and we have no right to subject him to the chances.

The distinguished Senator from Massachusetts [Mr. LODGE] has suggested, and I made a note of it, that if results shall show that a tariff rate is too low, it ought to be raised. When the results have shown it, the merchant is bankrupt. The raising of the tariff might benefit his heirs, executors, or assigns. It would not benefit him. The harvest would have been ended so far as he is concerned. That is not the rule of government.

Government is not to deal with yesterday, but it must deal with to-day and to-morrow, and the to-morrows that follow, and no legislation can be accounted wise which undertakes to devote itself merely to the corrections of the mistakes that were made yesterday. Let us bear that in mind—that after the mistake is made it is too late, so far as the parties interested are concerned.

Mr. President, as I said, I have no intention of entering upon this question at length except to make these few suggestions. We are not concerned as to the methods by which other governments, differing in character and purpose and methods, deal with these questions. There the people are governed by somebody. Here the people govern themselves. There the question of prosperity finds its focus on a different branch of the political organization than in this country. We are here representing every part of the United States, and we want the principle to be of such uniform application that one part of the country will receive corresponding benefits with those received by all other parts of the country.

If you ever open the doors to the consideration of this question of single schedules, have you thought where it would land us? Take, for instance, the one that the papers are talking about—the wool schedule. If I may be pardoned for being somewhat geographical in presenting this thought, the single State in which I live produces nearly six times as much wool as all of the New England States. We produce several times more wool than New England and the Middle States combined. That is raw material. The manufacturers want it. They can take the duty off of it. There are three States lying side by side out there which produced over 65,000,000 pounds of wool this year, and is that wool to compete in the markets of foreign countries or in our own country with the wool of foreign countries under a fine-spun theory of a bare pittance of profit?

That has not been the policy of the Republican Party nor of its great ancestor, the Whig Party. Our own people are entitled to make whatever the laws of competition will enable them to make in dealing in this market. We need not call in the Hessians in order that our own raw-material producers and manufacturers may treat each other fairly. We need not need the threat "if you do not agree among yourselves we will call in the Germans or the French or any other people." The American people understand the rules of competition, the rules of supply and demand well enough to insure to all the people fair treatment.

The whole discussion of this question has centered upon what some foreign people may do with our market; not how they shall be kept, but how they shall be let in. That is the vice, if I may so term it, of the principles that are being urged upon us in support of this demand for a tariff commission. The tariff commission of this country should be the markets of this country. The tariff commission of this country should be the people of the country in their daily business functions. They will settle it on the rule and standard of competition.

But just as soon as some one wants to reap an especial advantage because of local environment or condition we are met with the threat of foreign invasion into our markets: "If you do not agree to a certain profit as a compensation for your product and services, we will not deal with you, but we will deal with Germany;" and then they go out and make a private contract with Germany that "we will let your goods in just low enough to destroy this other man or else make him do our bidding." That is not the principle upon which this Government should be conducted.

Mr. President, as I said, this subject is as large as the Government itself. It is as large as the prosperity of the people. It involves more than a hundred such measures as the claims bill, and I speak with no disrespect of it. That is a few dollars of charity to some persons here and there. But this measure should be discussed now for more reasons than one. It should be discussed to allay the apprehension in this country that we are going to commence tariff tinkering. It should be discussed and settled in order that the people may know that business conditions are not going to be disturbed, and it should be settled at once. It should be settled by voting down the joint resolution which proposes that the Senate of the United States shall be permitted to whittle away the prosperity of one section or more than one section of this country in the interest of other sections.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. Does the Senator from Idaho recognize that there ought to be any limit whatever to duties; or, in other words, does he recognize that a duty may be too high?

Mr. HEYBURN. For what purpose? I can not answer the question until I know for what purpose.

Mr. CUMMINS. I am asking the Senator from Idaho whether he recognizes that the duty on any commodity may be too high.

Mr. HEYBURN. Too high for what? I can not answer the question unless it is a complete question. Too high for what?

Mr. CUMMINS. Too high to suit the ideas of a protectionist like the Senator from Idaho. I know of no other way to describe it.

Mr. HEYBURN. I will not criticize the Senator's remark. It is not a very statesmanlike way of stating it, because it is rather personal. But I can answer the principle involved in the Senator's question. I would make it so high that a man would not have to have a microscope in order to find it; that he would be in no danger of running against it in the dark; that he would be at liberty to conduct his own business with his neighbors or his fellow American citizens without the threat that "if you do not yield to me I will call in the Hessians." It should be that high, all right.

There was a time when the Republicans who constituted the Republican Party knew how to make a tariff law. There was a time when they knew better than to make such planks as were written in the last platform. Go back to 1884, go back to 1888, go back to the old planks in the Republican platform that speak, "We are in favor unalterably of the Republican doctrine of a protective tariff that shall preserve to the American people the markets for their products." There were no petty limitations. To do whatever was necessary was the measure of the guaranty.

Mr. CUMMINS. Mr. President—

Mr. HEYBURN. No tariff commission was to get in between the man who owned the goods and the man who would buy them to say what profit he should make.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I gather from the answer the Senator from Idaho has just made that he believes that duties in all cases should be so high as to absolutely prohibit importations.

Mr. HEYBURN. No; I do not. I do not think that that is a logical conclusion to be drawn from anything I have said. But they should be so high that there would be no inducement whatever to buy foreign goods the equivalents of which were produced in this country. There should be no temptation to American citizens to do it.

Mr. CUMMINS. When the Senator says we are in this day trying to call in the Hessians, I assume he means we are trying to enlarge importations, and that is the way he has of describing importations.

Mr. HEYBURN. That is not an expression for which I am responsible; it is an old one. It simply means just what the imprudent head of a household means when the child is told, "If you do not behave yourself, the bogey man will catch you."

Mr. CUMMINS. But I want to apply it to the active forces of man. The Senator from Idaho, if he means anything by that statement, means that the duty on commodities should be so high that importations would not come into the United States.

Mr. HEYBURN. Oh, no.

Mr. CUMMINS. And that whatever is necessary to exclude all importations is the proper measure of a duty.

Mr. HEYBURN. No. Importations will come into the United States, because of the fact that there are a great many of the commodities in commerce that are not produced in this country; and then there are others that will come in because of the very small margin of profit in the enforced market behind them.

Mr. CUMMINS. Mr. President—

Mr. HEYBURN. Wait a moment, until I finish that thought. The fact is based upon the history of the past, that a tariff which protects the people best tempts the foreign importer most.

Mr. CUMMINS. I assume the Senator was speaking of wool as a concrete illustration. The duty on wool is 11 cents a pound, or upon that kind of wool which the Senator from Idaho has in his mind, I think. Now, notwithstanding the duty of 11 cents a pound on wool, concerning which I do not complain, there is still wool imported into the United States. There are still Hessians invading our markets in that commodity.

Mr. HEYBURN. But they are paying for it.

Mr. CUMMINS. Precisely. Does the Senator from Idaho think that the duty on wool ought to be raised so high that there could be no wool imported into the United States?

Mr. HEYBURN. No; because we do not produce enough for our own consumption.

Mr. CUMMINS. Then, of course, the Senator from Idaho must recognize some standard that will measure a proper duty. What is that standard?

Mr. HEYBURN. The market, and the market of the whole country, as affecting a given commodity and not the statement of some person as to what the market ought to be or will be in the future.

Mr. CUMMINS. As I understand the Senator from Idaho, then, he now asserts that there ought to be no importations—

Mr. HEYBURN. Oh, no.

Mr. CUMMINS. Until the American supply has been entirely exhausted.

Mr. HEYBURN. No; not necessarily at all. The American supply goes to the American market at a price determined between the buyer and the seller, which is based largely upon the consumption of the country. The market is reenforced at a higher rate by the wool that is purchased from other countries, and it is never on an equal basis in our market with our own product.

Mr. CUMMINS. The conclusion, therefore, would be that the duty ought to be not stationary, but changeable from day to day, according to the market.

Mr. HEYBURN. Not at all. We always know where the maximum tide is. I would put protection above high tide. That is the Republican doctrine of 100 years. I would let the intermediate stages of the tide be absorbed in the general effect upon the market.

Now, Mr. President, I am going to defer any further remarks, relying upon the statement that the matter will not be sent to the committee until after we have had time to discuss it.

Mr. CUMMINS. I do not know of any other Senator who desires to speak this morning, and, with the consent of the Senate, I will ask that the motion to send the joint resolution to a committee lie over until a further day.

The PRESIDING OFFICER. Without objection, it will be so ordered.

OMNIBUS CLAIMS BILL.

Mr. BURNHAM. I desire to call up the omnibus claims bill.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. Bristow] to recommit the bill to the Committee on Claims with instructions to eliminate all claims for insurance and premiums, on which question the Senator from Kansas demanded the yeas and nays. Is there a second to the demand?

Mr. BACON. I should like to hear what those instructions are.

The PRESIDING OFFICER. With instructions to eliminate all claims for insurance and premiums. Upon that question the Senator from Kansas asked for the yeas and nays. The Chair was asking if there was a second to the demand for the yeas and nays.

The yeas and nays were demanded.

Mr. BRISTOW. Mr. President, I desire simply to state that this would recommit the bill with instructions to strike out all allowances that are made for the payment of the premiums, and also the allowance for insurance, upon the theory that the insurance companies sold their insurance and received the premiums they asked for exactly the risk which they were assuming when the loss occurred. They paid the loss the same as any other insurance company would pay, and the insured bought the insurance in the same way that any insurer buys the insurance; he paid for what he got and received the money when the loss occurred. There is no occasion for the Government to go into that business and pay both parties all that they lost or all they paid out, because it was simply a business transaction on both sides.

Mr. BACON. I should like to inquire of the Senator from Kansas whether the previous motion upon which we voted to strike out was limited to the particular provision which he now seeks to have controlled by instructions, or whether it was broader.

Mr. BRISTOW. No; the motion to strike out referred solely to the French spoliation claims.

Mr. BACON. It included the spoliation claims?

Mr. BRISTOW. It included all of them.

Mr. BACON. I understand the present motion to be more limited.

Mr. BRISTOW. It is more limited.

Mr. BACON. The reason why I make the inquiry is because the Senate voted upon the general proposition to strike out all spoliation claims and it failed upon a tie vote. I would suggest to the Senator from Kansas that as this is a different proposition possibly it would be better to have the Senate vote upon the direct question rather than couple it with a motion to recommit. In other words, the Senator would be in order now to move to strike out the very provisions which he seeks to have stricken out under a proposition to recommit with instructions. I would therefore suggest to the Senator, in the interest of time, in order that we may proceed with the bill, that the motion be changed by him from a motion to recommit with instructions to a motion to strike out the particular provision.

Mr. BRISTOW. I appreciate the suggestion of the Senator from Georgia. The reason why I made the motion as I did was because I did not have prepared an amendment to strike out, which would necessitate going through the bill and striking out by lines definitely. I can take up the bill and go through it, but it will take some time to prepare such an amendment. That is the only reason.

Mr. BACON. I do not press the suggestion in view of the statement of the Senator.

The PRESIDING OFFICER. The Chair would state that in the opinion of the Chair it would not be in order, the yeas and nays having been ordered on the pending question.

Mr. BACON. There had been no name called.

The PRESIDING OFFICER. There had been no name called, but the yeas and nays were ordered. The question is on the motion of the Senator from Kansas to recommit with instructions. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON] and therefore withhold my vote.

Mr. PAYNTER (when Mr. JOHNSTON's name was called). The Senator from Alabama [Mr. JOHNSTON] is ill in bed and unable to be present. I have been requested to make this announcement.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily absent from the Chamber, and I therefore withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is absent, I withhold my vote.

Mr. PURCELL (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present, I would vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Arkansas [Mr. DAVIS]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. SHIVELY (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER], who is absent. Were he present, he would vote "nay" and I would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I will withhold my vote. If he were present, I would vote "nay."

Mr. WARNER (when Mr. STONE's name was called). The announcement has not been heretofore made that my colleague [Mr. STONE] is detained from the Chamber by reason of sickness, and has been since the commencement of the session.

Mr. BRADLEY (when Mr. TAYLOR's name was called). I should have made an explanation. I am paired with the junior Senator from Tennessee [Mr. TAYLOR], but knowing that he is opposed to a recommitment of the bill, I have voted.

The roll call was concluded.

Mr. DU PONT. I wish to announce that my colleague [Mr. RICHARDSON] is paired with the senior Senator from Tennessee [Mr. FRAZIER]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE], who is absent on account of illness, and I therefore withhold my vote.

Mr. BRANDEGEE. I wish to announce that my colleague [Mr. BULKELEY] is paired for the day with the junior Senator from Alabama [Mr. BANKHEAD]. I shall make no further announcement of the pair during the day.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that if he were here he would vote "nay," and I feel at liberty to vote. I vote "nay."

Mr. SIMMONS. I have just received a message from the junior Senator from Minnesota [Mr. CLAPP] releasing me from my pair. I vote "nay."

Mr. FLETCHER. I am requested to announce that the Senator from Tennessee [Mr. FRAZIER] is paired with the Senator from Delaware [Mr. RICHARDSON], and also that the Senator from South Carolina [Mr. SMITH] and the Senator from New York [Mr. ROOT] are paired for the day.

Mr. BACON (after having voted in the affirmative). I will inquire whether the junior Senator from Maine [Mr. FRYE] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BACON. I am paired with that Senator, and I therefore withdraw my vote.

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from New York [Mr. DEFEW], and vote "nay."

The result was announced—yeas 16, nays 30, as follows:

YEAS—16.

Beveridge	Burkett	Curtis	Percy
Borah	Burton	Dixon	Smith, Mich.
Bristow	Clarke, Ark.	Jones	Terrell
Brown	Cummins	La Follette	Young

NAYS—30.

Bradley	Dillingham	McCumber	Simmons
Brandeggee	du Pont	Martin	Smith, Md.
Burnham	Fletcher	Money	Swanson
Chamberlain	Gamble	Nixon	Tallaferro
Clark, Wyo.	Hale	Page	Thornton
Crane	Kean	Piles	Warner
Crawford	Lodge	Rayner	
Dick	Lorimer	Scott	

NOT VOTING—46.

Aldrich	Davis	Johnston	Shively
Bacon	Depew	Nelson	Smith, S. C.
Bailey	Elkins	Newlands	Smoot
Bankhead	Flint	Oliver	Stephenson
Bourne	Foster	Overman	Stone
Briggs	Frazier	Owen	Sutherland
Bulkeley	Frye	Paynter	Taylor
Burrows	Gallinger	Penrose	Tillman
Carter	Gore	Perkins	Warren
Clapp	Guggenheim	Purcell	Wetmore
Culbertson	Heyburn	Richardson	
Cullom	Hughes	Root	

The PRESIDING OFFICER. No quorum has voted.

Mr. LODGE. Then there is nothing to do, Mr. President, except to have a roll call.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	La Follette	Scott
Borah	Curtis	Lodge	Shively
Bradley	Dick	Lorimer	Simmons
Brandeggee	Dillingham	McCumber	Smith, Md.
Bristow	Dixon	Martin	Smith, Mich.
Brown	du Pont	Money	Stephenson
Burnham	Fletcher	Page	Swanson
Burton	Flint	Paynter	Tallaferro
Chamberlain	Gamble	Percy	Terrell
Clark, Wyo.	Hale	Perkins	Thornton
Clarke, Ark.	Heyburn	Piles	Warner
Crane	Jones	Purcell	
Crawford	Kean	Rayner	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. BRISTOW. May I now ask a parliamentary question?

The PRESIDING OFFICER. Certainly.

Mr. BRISTOW. Is it now necessary to again put the question?

The PRESIDING OFFICER. It is necessary to again call the roll.

Mr. LODGE. Nothing else can be done.

Mr. BRISTOW. Can I withdraw the motion by consent of the Senate? I ask that because it is plainly disclosed—

The PRESIDING OFFICER. Of course anything which the Senate pleases can be done by unanimous consent, but the request is out of order at the present moment.

Mr. BRISTOW. It is plainly disclosed that the majority of the Senate do not want to recommit the bill. I therefore ask unanimous consent to withdraw the motion to recommit.

The PRESIDING OFFICER. The Chair is under the impression that the motion can not be withdrawn.

Mr. HALE. Except by unanimous consent.

Mr. RAYNER. The Senator has asked unanimous consent.

Mr. BRISTOW. I ask unanimous consent to withdraw the motion to recommit.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to withdraw his motion to recommit the bill. Is there objection? The Chair hears none, and the motion is withdrawn. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BURTON. Mr. President, I desire to call up an amendment which was introduced yesterday, on page 127, in line 13, after the word "dollars," proposing to insert the words:

Provided, That not to exceed 40 per cent of this amount shall be paid as compensation for services in the prosecution of this claim.

I believe the Senator from North Dakota [Mr. McCUMBER], who desired to be present, is here. I would suggest that an amendment has been added to the text immediately after the word "dollars." So the motion should be modified to the extent of stating that the words are to be inserted after the amendment already adopted; it is merely a matter of detail.

The PRESIDING OFFICER. The Senator from Ohio, as the Chair understands, moves to reconsider the vote by which—

Mr. BURTON. Not to reconsider the vote; but, in case this amendment is adopted, I will no doubt make a motion relating to the amendment already adopted.

Mr. LODGE. There is no objection to that amendment.

Mr. BURTON. There is an amendment already in the bill immediately after the word "dollars."

The PRESIDING OFFICER. The Chair is unable to understand the motion of the Senator from Ohio.

Mr. BURTON. I ask that the Secretary read the amendment already inserted.

The SECRETARY. On page 127, line 13, after the period following the word "dollars," the following proviso has heretofore been agreed to:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. BURTON. Mr. President, I ask to have read by the Secretary a communication from certain of the heirs of Aaron Van Camp, in whose behalf this claim accrued.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

1354 OAK STREET NW.,
Washington, D. C., December 13, 1910.

Hon. T. E. BURTON,
United States Senate.

SIR: Referring to the item on page 127 of the claim bill reported to the Senate from the Committee on Claims, proposing to appropriate \$38,750 to the legal representatives of the estate of Aaron Van Camp, we, the undersigned heirs of the late Aaron Van Camp, respectfully petition Congress to strike the item from the bill, unless a clause can be inserted providing that not to exceed 40 per cent of the amount appropriated shall be paid to persons as compensation for services in the prosecution of the claim. Dr. Aaron Van Camp, our grandfather, lived with us for some years prior to his death and thought of nothing but this claim, and would give to anyone who simply promised to aid him in having the claim allowed an interest in it. We now know that 65 per cent and \$5,000 of the claim has been assigned, and how much more we are unable to state. In Dr. Van Camp's declining years we the undersigned worked to support him, and we are the ones who would have inherited the property wrongfully taken from him at the Navigators Islands. There are four heirs of the late Dr. Van Camp, the two undersigned, living in the District of Columbia; one living in Asheville, N. C.; and one in California. We have not the time now to have our brother living in North Carolina and the uncle in California join in this remonstrance, but we know that our views are shared by the others. In other words, unless the major part of the money it is proposed to appropriate can go to the heirs of the late Dr. Aaron Van Camp, it is the desire of the heirs that the item be stricken from the bill. On petition of one Edward E. Holman and C. W. Buttz, to whom the major part of the claim will go if allowed in its present shape, the Washington Loan & Trust Co. was designated as administrator of the estate of the late Aaron Van Camp; this was done without the knowledge or consent of the heirs of Dr. Van Camp. Until recently none of the heirs of Aaron Van Camp knew that the Washington Loan & Trust Co. had been designated as administrator of his estate. Dr. Van Camp left nothing save this claim. In all justice and equity, we respectfully request that the item be stricken from the bill, or a clause inserted providing that not more than 40 per cent of the amount appropriated shall be paid to persons as compensation for services in the prosecution of the claim. If necessary, we shall be obliged if you will read this communication in the Senate when the bill is under consideration.

LOUISE Z. LUDEWIG,
Granddaughter and Heir of Aaron Van Camp.
MARGUERITE B. JONES,
Granddaughter and Heir of Aaron Van Camp.

Subscribed and sworn to before me this 13th day of December, A. D. 1910.

[SEAL.]

LEON M. ESTABROOK,
Notary Public.

Mr. BURTON. Mr. President, the proposition is made perfectly clear by the communication just read. The heirs ask that a proviso be inserted in the paragraph, on page 127 of the bill, granting \$38,750 to the legal representatives of the estate of Aaron Van Camp, which proviso shall be to the effect that

compensation for services shall be limited to 40 per cent; or, if that be not adopted, that the item be stricken from the bill.

I am actuated in the support of this amendment partly by the fact that one of the heirs and her husband are legal residents of the State of Ohio and they have appealed to me for support, but even more by the fact that it discloses a condition which pertains to many of these claims, namely, that they are prosecuted here in the interests of attorneys, who claim a very large share of the amount.

It appears that Mr. Van Camp, while this claim was being prosecuted, was an old man. He lived with and was supported by his heirs. According to this affidavit, his mental faculties had failed to the extent that whenever anyone came to him holding out a promise that he could do something for him he made an assignment. He made one assignment of 50 per cent, one of 10 per cent, one of 5 per cent, and an additional assignment of \$5,000 of the amount, the result of which would be that a very small sum would go to the heirs.

The story is told of a client who once approached an attorney who proposed to take his case on a contingent fee. "What is a contingent fee?" asked the prospective client. "Why," said the lawyer, "it means that if I do not win, I do not get a thing. If I do win, you do not get anything." [Laughter.] That is about the form this claim has assumed. Under neither result is there any prospect for the heirs unless this amendment is adopted.

I think the Senate should adopt this amendment, not only for the protection of the heirs, but as an enunciation of the idea that we are not encouraging the prosecution of claims where the principal if not the sole beneficiaries are the attorneys who prosecute it.

Mr. McCUMBER. Mr. President, I hope the Senate will pass no hasty judgment upon this ex parte statement of the Senator who has investigated the question for a part of a day as against the statements of attorneys who have paid all expenses, who have investigated and tried the case in court and out of court and before Congress for 50 years and who have in reality not only prosecuted the case for the decedent, but during the last years of the decedent's life were compelled to support him and to bury him without the assistance of these heirs who are to be injured by allowing attorneys a reasonable compensation for their services.

Mr. President, I desire to present this matter for a moment, because I myself have given it consideration off and on for more than 12 years, and I think I understand the matter as thoroughly as does the Senator from Ohio.

I have never been an advocate of paying an attorney an unreasonable fee; neither am I an advocate of allowing a person to accept attorneys' services for years without the payment of one solitary penny to assist him, and then to come in and say that a contract entered into by the attorney shall be nullified by Congress without the slightest consideration of the reasonableness of the fees that are mentioned in the contract.

Mr. President, what are the facts in this case? An agent of the Government acting, as is shown in the record, with the knowledge and assent, if not the consent of the Department of State and the Treasury Department, confiscated about \$300,000 worth of goods of one Aaron Van Camp, of the District of Columbia, and of one Chapin, of West Virginia. It is needless for me to go into, and I will not take up the time of the Senate now in going over, the details of this great and rank injustice. It was simply a case that was worse than highway robbery.

Mr. Van Camp and Mr. Chapin sought to get their claim allowed. Action was brought in 1858 by the same attorneys in the circuit court of the District of Columbia, and a judgment was rendered against the agent who had committed the offense; a heavy judgment in both instances. A fieri facias was issued upon that judgment and returned unsatisfied.

Then these same attorneys entered into a contract with Aaron Van Camp, who was practically broken himself in his attempt to secure justice from the Government, for a contingent fee, they to pay the expenses and to follow the case through until they should secure the return of a portion, at least, of the value of the property of which he had been defrauded.

They then brought the case many times before Congress, and it was considered by both Houses. They then, in 1886, keeping the matter continuously alive, brought the action in the Court of Claims, and judgment was rendered; or, rather, it was submitted then only for findings of fact, and findings of fact were rendered in favor of Mr. Van Camp, but having no authority at that time to enter judgment, they rested upon the findings of fact only.

In those findings of fact the court admitted that they could grant judgment for only a small portion of that which was ac-

tually due according to their own ideas, because they had to exclude all evidence in the form of affidavits and because the witnesses to some of the proceedings and to the value of the property were then out of existence.

Still Congress failed to act upon it. It was then brought again and again before Congress, and a third time it went to the Court of Claims. It was again tried by the Court of Claims, and again a finding in accordance with the authority granted to that court was made.

During all of this time, let me state, not one of the heirs furnished one penny in the trial or in anything connected with this action. The attorneys were acting under a written contract, which I do not know that I have in my possession, but which I could get in a very few moments if it were necessary; one made by Aaron Van Camp when he was not so old as to be incapable of entering into a contract.

In 1903 the case was tried the third time, and prior to that time the old contract had been renewed by Aaron Van Camp.

Now, up until this time nothing had been done by the heirs, and, contrary to the assertion in the statement, there are on record in the probate office in this city letters announcing the application for the appointment of a representative that were sent to the then heirs at law—the children of Aaron Van Camp—and their receipts for the letters, and they are filed. And yet the grandchildren come on, or one of them does, and states that no notice whatever was given to the heirs, when a record of the notice is down in the court now and can be viewed now by anyone.

After a while Aaron Van Camp naturally became old and feeble. He had spent all his money, before these attorneys took charge of this case, in an attempt to get justice done him. He was then unable to support himself. These grasping, wicked attorneys loaned him money and took care of him in the last days of his life, and, as I am credibly informed, a Masonic body in this city buried him without one penny of expense to these heirs, these heirs who are now seeking to prevent these attorneys from receiving what the decedent contracted for in his lifetime.

Mr. President, is the Senator able to say that the services were not worth, say even 65 per cent of this \$38,000; is not that the amount? There are some four or five attorneys who were engaged in the trial. Suppose they get even the 65 per cent, is it an excessive contingent fee for 50 years of service upon a claim of this kind? I know one of the attorneys in the firm that has been engaged in this matter, and I know that every year for the last 12 years they have consulted with me, advised with me, and were before the Committee on Claims in every one of those years prosecuting the case.

But, Mr. President, the statement is in error. The actual amount is 50 per cent, and the \$5,000 that is to be paid, which the Senator from Ohio states was in addition to the 50 per cent, is to be paid out of the 50 per cent for the services of an additional attorney.

The party who is making the objection is a young man, a grandchild, who is employed in the Agricultural Department. He waited all of these years without the slightest objection to the contract fees. The children of Aaron Van Camp never objected to the contract fee. No one has ever uttered one single solitary sentence in objection to these fees until when, after a half a century of labor, the bill is about to be allowed, and then the young man, considering there are children and grandchildren and great-grandchildren, all of whom would have an interest in this, finds that the share that he would receive does not measure up to the amount he thinks he ought to have, and at this late day comes in and makes his objection against the fee being allowed.

This same young man appeared before another Senator only three days ago and asked him to intercede. I had some discussion with the Senator as to what would be a proper amendment, if it were thought that the fee was excessive, and so we agreed to the amendment which was adopted the other day, that before any fees were paid to any attorneys out of the sum that should be allowed those fees should be settled by the probate court. That is the proper tribunal to determine, first, whether a fee is excessive, and, second, whether the decedent was competent to enter into a contract for that fee.

I think there is no question about the authority of the probate court to determine that question, and with all the facts before the court it will be able to do absolute justice and will sustain any contract only when it is satisfied that the contract is fair and just. After this young man had himself agreed to this same amendment, he dreamed over it during the night and concluded the next morning that still his share in this would not be enough, and came in again and asked for a further amendment limiting it to 40 per cent.

Let me ask the Senator from Ohio in all good faith, is he prepared upon that ex parte statement to pass judgment upon the amount of fee that should be paid to the attorneys? I do not think he will claim that he is prepared. Is there any Senator absolutely prepared to pass judgment upon it? I think I am as well prepared, probably, from investigation of the case, as anyone in the Senate Chamber to-day, and I would not want to take it upon myself to say either that the attorney's claim was sufficient or insufficient.

I know the general power of the probate court to pass upon all claims that are to be paid out of the estate of a decedent. I am perfectly willing that the probate court shall pass judgment upon it. I have asked one of the attorneys, who is in practice here, as to the authority of the probate court here, and he says there is no question that the court has entire authority to pass upon the question of the amount and upon the question of the power and ability of the decedent to make the contract, whether he was in his right mind or otherwise.

But I do think it is rather unjust for this grandchild to come in after all of these years, without ever having paid one penny in the prosecution of the case, and protest against a contingent fee which was agreed upon, signed in writing by the decedent himself, and which was never questioned, either by the decedent or the decedent's children, and never by the children's children until this day, when the claim is liable to pass both Houses of Congress. I submit that it would be unjust for us to act upon such a protest.

The amendment which was agreed to by the same party who now asks this other amendment is the amendment which I will ask to have read now, so that the Senate will understand what it is.

The PRESIDING OFFICER. Does the Senator desire the original amendment read?

Mr. McCUMBER. I wish the original amendment read, not the latter one.

The SECRETARY. On page 127, line 13, after the word "dollars," following the proviso, it is agreed to insert:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. McCUMBER. Senators, unless they should deny the authority of the probate court to pass on a question of that kind—and it is the usual authority allowed all probate or surrogate courts—will easily perceive that the heirs at law are all protected in the matter of the amount of the fees and the validity of any contract that has been made.

Now, the last contract was made in 1883. When did these heirs first ascertain that this contract was excessive? Did they take any interest in the matter whatever? Not to the extent of ever writing a line. And when they were asked if they would pay any of the expenses in the matter of securing a personal representative for the decedent, the only one who answered was the son, who said that he would pay none of the expenses. That has been practically all of the correspondence the attorneys have had from any of the heirs at law. They were willing to allow the case to go on, they were willing to allow the attorneys to expend their moneys and their energies under a contract until they were liable to bring their efforts to success, and then stepped in at the last moment to see if they could not block it in some way so that the attorneys would secure a less amount than they had contracted for.

The PRESIDING OFFICER. Will the Senator kindly suspend for a moment while the Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. BURNHAM. On behalf of my colleague, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from North Dakota will proceed.

Mr. McCUMBER. I am informed that the children of the decedent had full knowledge of the contract that was entered into by their father. That contract was entered into nearly 30 years ago, and not one of the children ever objected to the contract as being unjust or imperfect. No one of them ever claimed that the father was not competent to enter into the contract. Having the full knowledge for all these years, they allowed the work to go on and the attorneys to expend their services in this claim.

There are some five attorneys, I think, four of the firm and one from the outside. They are still engaged, and have been year after year, in bringing this matter before Congress. I submit that it is improper for the Senate to pass upon that judgment, and it is certainly unjust on the part of the persons most interested in the subject matter at this time to raise the question that the fees are excessive.

Mr. BURTON. Mr. President, I shall not detain the Senate with any very lengthy remarks.

Mr. SIMMONS. I ask the Senator from Ohio to yield to me for a moment.

Mr. BURTON. I understand that the Senator from North Carolina desires to make a statement, and I yield to him for that purpose.

Mr. SIMMONS. Mr. President, I think probably it is due the young gentleman who was one of the heirs by marriage of Mr. Van Camp, in view of the statement of the Senator from North Dakota, that I should make a statement in connection with the amendment which passed the Senate a few days ago.

The amendment was offered by myself. The young man to whom the Senator refers first requested me to offer the amendment which the Senator from Ohio offered. After conference with the Senator from North Dakota the amendment which was adopted was drafted. I submitted it to the young man. I advised him that, in my opinion as a lawyer, the probate court of this District would have power to determine the question of the legal capacity of Mr. Van Camp to make this contract, and that he could probably secure through the probate court the relief which he sought; that is, the probate court could set aside these assignments and fix a compensation based upon quantum meruit, in case it was found that Mr. Van Camp at the time he made this contract was non compos mentis. I then advised him to accept the amendment. I think probably in accepting the amendment he was very much influenced by the advice which I gave him.

The next morning I received a letter from him saying that the other heirs were not satisfied with the amendment and desired to insist upon the original amendment. I think it is proper for me to make this statement in reply to the Senator from North Dakota.

Mr. BURTON. May I ask the Senator from North Carolina a question? Do I not understand that the heir with whom the Senator consulted reluctantly accepted the amendment when it was first proposed?

Mr. SIMMONS. I think he accepted it upon my advice that he could secure the relief which he sought by this other amendment, providing he was able to show that Mr. Van Camp was not competent to make the contract.

Mr. BURTON. Mr. President, I shall detain the Senate only a very short time. I do not think it is necessary to be familiar with this claim for 12 or 13 years or to give more than a day to its consideration. It is an opportunity for the Senate by its vote to protect the heirs and the Government alike. Forty per cent is sufficient compensation for the prosecution of this or any other claim. As every lawyer and everyone who has to resort to a lawyer for advice knows, or should know, the lawyer must in a measure share the fortunes of his client. He can not say, when the client has a claim, "My compensation shall be irrespective of the recovery." If the recovery is large, he is entitled to generous compensation. If it is small or disappointing, he is entitled to much less compensation.

It appears that the aggregate of these claims was \$300,000 belonging to Mr. Van Camp and to Mr. Chapin, presumably about two-thirds belonging to Mr. Van Camp. That would make the claim amount to \$200,000, where the final recovery is only \$38,750. Forty per cent of that is between \$15,000 and \$16,000. I submit that in view of the disappointing results of the litigation, however protracted it may have been, this amount is sufficient.

I do not want to go into a question of veracity between the constituent of the Senator from North Dakota, who I understand is one of the attorneys, and the heirs. The heirs say, however, that they supported Mr. Van Camp in his declining years.

I may state in this connection, if there is anything due to the attorneys for advances for the support of the decedent, that is not included within the purview of the proposed amendment. The proposed amendment of 40 per cent is merely for services. If there were loans of money, they can make a claim aside from that.

As I understood the Senator from North Dakota, he made two statements not entirely agreeing. One was to the effect that the attorneys paid the expenses for the burial of the decedent, and another that a Masonic lodge paid those expenses. If they paid the cost of his burial, they seem to have been in

a singular copartnership with him, taking away the chance of what he had while he was alive and providing for the disposition of his remains after he was dead. If they are entitled to anything for advances, they can present that claim.

The heirs have also stated to me, or at least their representative has, that they knew of no such contract, that they knew of no proposition for the appointment of an administrator, until a very short time ago; and I think it is but fair to the Senate that their view of the case should be presented.

Mr. McCUMBER. Will the Senator yield to me for a moment?

Mr. BURTON. Certainly.

Mr. McCUMBER. The Senator must remember that it was not necessary to send to the children of the heirs at law the notice. Remember that this is not of recent origin. The appointment was made very many years ago, and the children of Van Camp, the heirs at law and next of kin, were alive and they received the notice; and it is not for the children's children or the grandchildren of the children to say that they had no notice that an appointment was made.

Mr. BURTON. There are no heirs of whom I know beyond the grandchildren. I do not want to enter into that controversy. I will state, however, that they say someone came to them about 1898 with a paper and asked them to sign it; that he even refused to read the paper, and, naturally, they refused to sign it. I, of course, take the statement of the Senator from North Dakota, although probably he has his information at second hand.

It is argued that this controversy can be left to the probate court. In the first place, while I am not familiar with the statute creating the probate court of the District of Columbia, I take it the court does not have any equity powers. These claimants may have assignments; they may have contracts. It is doubtful whether the probate court of the District of Columbia in passing on the question of compensation would have a right to declare those contracts canceled.

Then there is the question of the competency of Mr. Van Camp at the time of the making of the contract, which might perhaps be raised. These heirs are persons of very limited means. They do not wish to go into an extended litigation about this matter. They are fearful of their success in obtaining their rights, and it is for the Congress of the United States at this session, in this measure, to decide whether this compensation is not sufficient under any and all circumstances.

Mr. McCUMBER. I want to suggest to the Senator—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. Certainly.

Mr. McCUMBER. While they may be fearful of their own rights, they are not taking very much consideration of the rights of those who have given their services and who have prosecuted the cases without any assistance from them.

Mr. BURTON. Oh, Mr. President, I have already dwelt upon that point. Claims do not exist for the benefit or for the sake of attorneys, however much misconception in regard to that may prevail. They exist for the benefit of those and the heirs of those who have sustained damage or those to whom the Government is indebted. There is no more salutary lesson that could be conveyed to the attorneys than one which we might teach right here in this case—that we will not encourage the prosecution of claims against the Government by holding out the incentive to attorneys that they will get the whole of them. They are not free from their obligation to the clients whom they represent. If there is any relation which should be sacredly observed, it is that of the attorney to the client, and as a part of that relation it should be settled and fixed that to them is his first duty and not to himself. As an example of that relation, the attorney should never undertake a claim if he expects that the whole or the greater share of it is to come to himself, and that the heirs are to be left, as they would be in this case, with not more than \$8,000 out of all this litigation and out of all this claim.

Mr. WARNER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Certainly.

Mr. WARNER. Not antagonizing the Senator's amendment, would it be hardly just to select one item in which we limit the fees without limiting the fees generally to the sums allowed in the bill?

Mr. BURTON. Certainly. We know something about this claim. The facts are before us. There are assignments out aggregating 65 per cent of it, and \$5,000 besides.

Mr. McCUMBER. I want to correct the Senator.

Mr. BURTON. There is the threat that the heirs will obtain nothing.

Mr. McCUMBER. The Senator is not correct. That is not in accordance with the fact.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. I would like to ask the Senator from North Dakota in what respect it is not correct.

Mr. McCUMBER. It is not correct to the extent of 15 per cent.

Mr. BURTON. Does the Senator from North Dakota deny that there have been two assignments, one of 50 and one of 10 per cent, and another claim of 5 per cent for administration, and still another assignment of \$5,000?

Mr. McCUMBER. The amounts I have from the counsel who have been prosecuting these cases for the many years show that these are to come out of the original 50 per cent contract.

Mr. BURTON. How many counsel are there in this case—three or four attorneys?

Mr. McCUMBER. Three or four attorneys; but there are three in one firm.

Mr. BURTON. Is the Senator from North Dakota assured that those are all of the assignments outstanding?

Mr. McCUMBER. I am quite certain that that is true, from the most careful investigation I could give.

Mr. BURTON. Again, I do not propose to discuss the question of veracity between the heirs and certain attorneys, but my information is that there have been assignments aggregating 65 per cent and \$5,000 besides.

Mr. WARNER rose.

Mr. BURTON. Does the Senator from Missouri desire to ask a further question?

Mr. WARNER. I feel that in these contingent matters attorneys should be paid and paid liberally. I am also cognizant of the fact that many of the contracts entered into in these matters are in excess of any reasonable fee. We limit the fee in pension matters. We had to do that. It would seem to me it would be appropriate in this case to put a limitation upon the fees to be allowed to attorneys. I will suggest to the Senator from Ohio that I propose to offer a substitute for his amendment limiting the fee in any case in the bill to not exceeding 25 per cent.

Mr. BURTON. Mr. President, I should vote for that amendment. I think I should state, however, that my reason for offering this amendment is that the situation is glaring, and the whole claim will probably be exhausted, with the heirs receiving scarcely more than a mere bagatelle. The situation is so unfavorable to them that they come before the Senate and ask that either this limitation be inserted or the whole item stricken out of the bill.

Now, Mr. President, unless there is some further discussion or unless someone desires to ask a question, I will submit the amendment to the Senate. I always very much dislike to take up a matter involving any personal element, but there is more than a personal phase to this. We are face to face with a general condition here, the disclosure of a situation which no doubt obtains in many other claims, namely, that practically the sole benefit of much that the Government is to pay out will accrue to attorneys and not to the claimants.

Mr. McCUMBER. Mr. President, what reason has the Senator from Ohio for proposing in the amendment that it shall be 40 per cent?

Mr. BURTON. I can state that very readily. I have already stated it.

Mr. McCUMBER. Why has not the Senator asked that it should be 25 per cent instead of 40 per cent?

Mr. BURTON. While the heirs recognize that there has been a service—

Mr. McCUMBER. What fact has the Senator that will justify him in fixing 40 per cent as a reasonable attorney's fee?

Mr. BURTON. It gives them more than \$15,000, a fee which would not be despised by the average attorney or firm of attorneys, or, indeed, by a coterie of attorneys, even though they had been at work for some time.

Mr. McCUMBER. Then the length of time and the amount of service that they are performing under a solemn contract entered into between the decedent and the attorneys should cut no figure in the consideration of the case?

Let me call the Senator's attention to the fact that in 1858 two suits were started in the circuit court of the District of Columbia. They were suits involving a tort that had been committed at Apia, in the Navigator Islands. Has the Senator any knowledge of the amount of work that was expended in collecting the evidence and in producing witnesses, in paying for their attendance, and in trying the case in the circuit court of the District of Columbia? I shall wait, Mr. President, until the Senator from Ohio will give me his attention, because I am directing my question to him.

Mr. BURTON. Very well.

Mr. McCUMBER. The Senator has no knowledge of the labors that were performed; neither have I. I anticipate from the conditions, however, that they must have been considerable.

Now, remember, this was in 1858, when two cases had to be tried in the circuit court. Judgments were finally rendered.

The attorneys paid the expenses and conducted the actions. Twenty-eight years then elapsed. Does the Senator know how many times that case was before the committees during those 28 years; how many times it was acted upon by Congress; and how much labor was expended by attorneys during all of those 28 years? Finally, in 1886, both cases were tried again in the Court of Claims. Does the Senator have any information of the amount of labor that was expended in collecting the testimony and of the expenses that were incurred in the prosecution of those actions again before that court? Judgment was secured, and, as I am informed, the attorneys paid all the expenses again.

Again it was before Congress for 17 years longer. Year in and year out it was before the Committee on Claims of both Houses and was reported sometimes and sometimes failed of report. Has the Senator any information that we would be justified in passing judgment upon the value of the services that were expended during those years?

Further, it went before the Court of Claims in 1903, and again it was tried. Again the evidence had to be secured; again the attorneys had to pay the expenses. Neither the Senator from Ohio nor myself have very adequate ideas, I think, as to just exactly what those services were worth in the third trial of this action.

Then, again, for seven years longer this matter every year has been before Congress or its committees. I know the last 12 years from my personal knowledge of the matter, and the case having been referred to me once or twice while I was a member of the Committee on Claims. In 1910 we find the same attorneys or their successors still trying the same case. Is any Senator here more capable of passing judgment upon what the reasonable fee should be than the probate judge himself?

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. Certainly.

Mr. SMITH of Michigan. The Senator from North Dakota seems to be somewhat familiar with this matter, and I should like to inquire whether he knows the attorneys who have charge of this particular case.

Mr. McCUMBER. I know them, Mr. President.

Mr. SMITH of Michigan. I should like to ask the Senator whether this firm of attorneys represent other French spoliation claims included in this appropriation.

Mr. McCUMBER. I know of their having no part except in reference to this claim.

Mr. SMITH of Michigan. The Van Camp case?

Mr. McCUMBER. The Van Camp case. If they have any connection with any of the other cases, of course, I have no information concerning it.

Mr. BURTON. They are the attorneys in this Chapin claim as well, which is joined with it.

Mr. McCUMBER. I can not say positively, but I will assume that they are. I am not prepared to so assert.

Mr. BURTON. That was a part of the same general claim, was it not?

Mr. McCUMBER. They both grew out of the same tort.

Mr. BURTON. The Senator from North Dakota can not state of his own knowledge that these attorneys are not interested in other claims in the bill?

Mr. McCUMBER. I stated very plainly that I knew nothing of their interest in other cases.

Mr. BURTON. But the Senator can not affirmatively state that they are not interested.

Mr. McCUMBER. Mr. President, I can not affirmatively state that anybody is interested in some of these other cases, because I know nothing about it whatever.

The Senator says that if these attorneys have furnished anything for the support or living of the decedent that then they have their claim against the estate. I do not think that the Senator gave due consideration before he so expressed himself, or I think that he would have immediately concluded that many of these claims were long since outlawed, if they had any claims against the estate. They undoubtedly considered that it was necessary for them to help on the old man in order to assist in the prosecution of those cases, and to care for him as near as they could.

Mr. President, I do not think there is a Senator here who does not understand in a general way the authority of a probate court; that such court must necessarily pass upon the validity of any claim against the estate of the decedent,

whether the claim arises by attorneys' fees or whether it arises by reason of any other character of service or thing furnished for the decedent. If this decedent was incompetent at the time he made the last contract, that can be brought up at any time before the probate court; and if that fact is established, then all that the attorneys could receive would be upon the claim of quantum meruit for their services.

I submit, Mr. President, that, considering all of these years, the fee itself is not even adequate, and is not as much as the ordinary attorney would at least charge for the services that he would render. I submit, further, that when a contract has been made by a decedent, that that contract is assumed to have been made upon a usual and fair consideration and that the decedent was competent to make it.

I assume, thirdly, that if the attorneys for forty-odd years operated under that contract and rendered their services without any objection being made by any of the heirs that the fee was excessive the heirs are guilty of laches and are estopped from claiming that it is excessive after the services have all been performed.

Lastly, I submit that it is the province of the court having charge of the estate of the decedent to pass upon those questions, and not that of Congress. I now yield.

Mr. SHIVELY. Permit me to ask the Senator from North Dakota whether he has seen this contract.

Mr. McCUMBER. Yes, sir; I have seen it, and perhaps could get it in a very few minutes if the Senator wanted it. I have not got it here, but I have seen the contract and read all of it over.

Mr. SHIVELY. I wish the Senator would have the kindness to have it produced.

Mr. McCUMBER. I will try to get it.

Mr. SHIVELY. Now, permit me to ask the Senator a further question. I understood him in his remarks to say that judgment had been rendered in United States courts in favor of this claimant or these claimants. Against whom was that judgment or those judgments rendered?

Mr. McCUMBER. In the circuit court against Jenkins, the agent of the Government, who perpetrated the outrages upon the property of American citizens. The proceeds of the sale which was made by that agent were turned into the Treasury of the United States and a portion of them have been paid by the Government of the United States.

Mr. WARNER. I wish to offer what I send to the desk as a substitute for the amendment offered by the Senator from Ohio [Mr. BURTON].

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 3, on page 185, it is proposed to insert the following:

Provided, That the attorneys' fees allowed in any case shall not exceed 25 per cent thereof.

Mr. BORAH. Mr. President, I want to ask the chairman of the committee if there is anything before the Senate by which it can be determined how much of these claims is now covered by attorneys' fees.

Mr. BURNHAM. There is nothing that I am aware of before the committee which indicates what share or what per cent will be due attorneys.

Mr. BORAH. Is this the only contention that has arisen between attorneys and clients?

Mr. BURNHAM. It is the only one which has come to our knowledge.

The PRESIDING OFFICER. The Chair understands the first question is on agreeing to the amendment offered by the Senator from Ohio [Mr. BURTON].

Mr. BURTON. Mr. President, I understand the Senator from Missouri [Mr. WARNER] has introduced an amendment to my amendment.

Mr. WARNER. As a substitute for the Senator's amendment.

The PRESIDING OFFICER. The Chair understood that that was to come in at another place in the bill.

Mr. WARNER. It does come in at another place, but it is as a substitute for the amendment of the Senator from Ohio, and therefore covers it.

The PRESIDING OFFICER. The Chair will then put the question on the amendment proposed by the Senator from Missouri [Mr. WARNER] to the amendment of the Senator from Ohio [Mr. BURTON].

Mr. McCUMBER. Just a moment, Mr. President. I understand that this 25 per cent amendment refers to all the claims mentioned in the bill. I certainly consider it unjust. Of course, if anybody wants to kill the bill or vote against the bill generally, I think that would be an appropriate amendment, but it does not seem to me to be at all just. I do not, however, care to make any remarks on it.

Mr. BRANDEGEE. I ask the Secretary to read that portion of the bill immediately preceding the amendment proposed by the Senator from Missouri [Mr. WARNER], so that we can see how the text will then stand.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. On page 185, commencing with line 1, section 2, the bill reads:

SEC. 2. That the foregoing several sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

At the end of line 3, after the word "act," it is proposed to insert the following proviso:

Provided, That the attorneys' fees allowed in any case shall not exceed 25 per cent thereof.

Mr. BRANDEGEE. Mr. President, that does not seem to me to accurately express the idea which I think the Senator from Missouri [Mr. WARNER] had in mind. The words "25 per cent thereof" would seem to refer to the case and not to the amount collected.

Mr. WARNER. "Of the sum appropriated." I think it refers to that.

I have no objection, if the Senator from Connecticut thinks that the language is not sufficiently explicit, to a change. My only purpose is to have attorneys' fees 25 per cent of the sum allowed, or of the sum appropriated. I would change it so as to read, "25 per cent of the sum herein appropriated." How would that do?

The PRESIDING OFFICER. The Senator from Missouri modifies his amendment. The amendment, as modified, will be stated.

The SECRETARY. At the end of line 3, on page 185, it is proposed to insert the following:

Provided, That the attorneys' fees allowed in any case shall not exceed 25 per cent of the sums herein appropriated.

Mr. BRANDEGEE. Not of all sums herein appropriated, but of the sum appropriated in each particular case, I suppose the Senator means?

Mr. WARNER. I think the language first suggested was sufficient, but I am willing to say "of the sum appropriated in each case."

Mr. BRANDEGEE. I have no idea to suggest to the Senator from Missouri as to how his amendment should be prepared. I simply wanted to call his attention to the fact which I have suggested.

Mr. WARNER. I thank the Senator. I drew up the amendment hastily at my desk.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the substitute proposed by the Senator from Missouri [Mr. WARNER], as modified. It will be stated.

The SECRETARY. As modified the amendment reads:

Provided, That attorneys' fees allowed in any case shall not exceed 25 per cent of the sums herein appropriated in each case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri in the nature of a substitute. [Putting the question.] The ayes appear to have it.

Mr. McCUMBER. I call for the yeas and nays on that, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a pair upon this vote with the junior Senator from Maine [Mr. FRYE]. He is absent, and I therefore withhold my vote.

Mr. BRADLEY (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TAYLOR]. If that were not so, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If I were permitted to vote, I should vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from New York [Mr. DEPEW] and vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. As I am informed that he would vote "yea," if present, I take the liberty of voting. I vote "yea."

Mr. PAYNTER (when Mr. JOHNSTON's name was called). The Senator from Alabama [Mr. JOHNSTON] is detained at home on account of illness.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGEN-

HEIM], who is necessarily detained from the Senate. I therefore withhold my vote.

Mr. PERKINS (when his name was called). I again announce my general pair with the junior Senator from North Carolina [Mr. OVERMAN]. He being absent, I withhold my vote.

Mr. PURCELL (when his name was called). I have a general pair with the Senator from New Jersey [Mr. BRIGGS]. Not knowing how he would vote, and he being absent, I withhold my vote. If he were present, I should vote "nay."

Mr. SHIVELY (when his name was called). I have a pair for the day with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Colorado [Mr. HUGHES], and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I therefore withhold my vote.

The roll call was concluded.

Mr. BRADLEY. I transfer my pair with the junior Senator from Tennessee [Mr. TAYLOR] to the junior Senator from Rhode Island [Mr. WETMORE] and vote. I vote "nay."

Mr. BURNHAM. I desire to state that my colleague [Mr. GALLINGER] is necessarily detained and is paired with the junior Senator from Indiana [Mr. SHIVELY] for the day.

The result was announced—yeas 34, nays 14, as follows:

YEAS—34.

Beveridge	Clarke, Ark.	Hale	Rayner
Borah	Crane	Jones	Shively
Bourne	Crawford	Kean	Smith, Mich.
Brandee	Cummins	La Follette	Smoot
Bristow	Curtis	Newlands	Sutherland
Brown	Dillingham	Nixon	Warner
Burkett	du Pont	Owen	Young
Burton	Flint	Page	
Carter	Gamble	Percy	

NAYS—14.

Bradley	Fletcher	Piles	Terrell
Burnham	McCumber	Scott	Thornton
Clark, Wyo.	Martin	Swanson	
Dick	Money	Taliaferro	

NOT VOTING—44.

Aldrich	Davis	Hughes	Richardson
Bacon	Dewey	Johnston	Root
Bailey	Dixon	Lodge	Simmons
Bankhead	Elkins	Lorimer	Smith, Md.
Briggs	Foster	Nelson	Smith, S. C.
Bulkeley	Frazier	Oliver	Stephenson
Burrows	Frye	Overman	Stone
Chamberlain	Gallinger	Paynter	Taylor
Clapp	Gore	Penrose	Tillman
Culberson	Guggenheim	Perkins	Warren
Cullom	Heyburn	Purcell	Wetmore

So Mr. WARNER's substitute for Mr. BURTON's amendment was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. BURTON. Mr. President, a parliamentary inquiry. The amendment just adopted by the Senate pertains to a different portion of the bill from the one which I presented. Does the adoption of this amendment exclude from the bill the amendment in the form in which I presented it?

The PRESIDING OFFICER. The Chair understands that the amendment of the Senator from Missouri [Mr. WARNER] was offered as a substitute for the amendment of the Senator from Ohio, and having been agreed to as a substitute, it takes the place of the other amendment.

Mr. BURTON. The phraseology of the new amendment takes the place of the other amendment. There is another motion which I wish to make. There is an amendment that was adopted by the Senate several days since providing for leaving this question of compensation to the probate court of the District of Columbia. There may be some little question as to whether or not the general amendment now adopted prevails over that, and I move, Mr. President, that the Senate reconsider the vote by which that amendment was agreed to, so as to strike it out.

Mr. McCUMBER. I raise the point of order, Mr. President, first, that the Senator himself, as I understand, did not vote affirmatively upon that, and, secondly, that more than one day has elapsed since that amendment was adopted.

Mr. WARNER. Mr. President, I had in view in the amendment submitted by me that the probate court would pass upon the question of the fee in this case. The substitute expressly provides that the amount allowed shall not exceed the percentage named by the amendment, and I take it that it would merely govern the probate court in fixing the amount of the fee.

Mr. BURTON. I will say, Mr. President, that I had that suggestion in mind, and I was at first inclined to take the same view as that of the Senator from Missouri in this instance, but I question that somewhat, because the amendment regarding the

probate court is a specific provision pertaining to this claim, which would naturally prevail over a general provision.

The PRESIDING OFFICER. The Chair has no information as to when this amendment was adopted.

Mr. McCUMBER. I will say to the Chair that it was adopted, I think, about three or four days ago.

The PRESIDING OFFICER. May the Chair ask the Senator from Ohio if he has any information as to the date of the adoption of the amendment?

Mr. BURTON. I do not have exact information about it.

The PRESIDING OFFICER. The point of order is sustained.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question now is on concurring in the amendments made as in Committee of the Whole.

Mr. BURTON. Mr. President, I wish a separate vote on the amendment on page 127.

The PRESIDING OFFICER. The Senator from Ohio asks for a separate vote on the amendment, which the Secretary will state.

The SECRETARY. On page 127, line 13, after the word "dollars," the following proviso was inserted:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. BURTON. Mr. President, just a word in regard to that. The Senate has now adopted a general provision, which was clearly intended to apply to all claims, limiting the amount of compensation to be paid to attorneys to 25 per cent. It is a declaration of the policy of the Senate, one main object of which is to prevent what is called the trumping up of stale claims against the Government. There may be some question whether that general provision applies to the claim under consideration. I am inclined to think that it does not, in view of the amendment adopted a few days since. At any rate, to save from ambiguity this paragraph, which has led to the whole discussion and to the adoption of the general amendment, I make the motion to reconsider the vote by which this amendment, on page 127, was adopted, in order that this provision may square with the rest.

Mr. McCUMBER. Mr. President, there were a great many Senators who were absent when I explained this matter before. I assume that Senators will vote as they consider just in this matter; but I want to present again, if Senators will remain long enough to listen, the injustice of adopting an amendment of this kind.

In 1856, more than 50 years ago, the agents of this Government destroyed the property of a citizen of this country to the value of nearly \$300,000. Action was immediately instituted by the owner of the property to secure redress. The property taken was everything that he had on the face of the earth. He was compelled to make an arrangement with some attorneys upon a contingent fee, because he himself had no property to answer for the expense of a prosecution of that case. He did enter into a written contract with those attorneys. Here is a contract going back more than 50 years. The attorneys prosecuted the case first against the agent, bringing two actions against him in 1858, two years after the offense had been committed.

Mr. HALE. And at their own expense?

Mr. McCUMBER. And at their own expense. Remember now, that this was only two years after the property had been destroyed, and yet the Senator from Ohio would refer to this as the trumping up of an old claim, a claim that was only 2 years old when the action was brought in the circuit court, and which had been presented to the Government for payment long before that time.

The attorneys prosecuted those cases to judgment under that contract. They had to come to Congress and ask that Congress appropriate for the same. For 28 years the matter was before Congress, these attorneys prosecuting the cases every year. In 1886 the case was again sent to the Court of Claims and was again tried by the same attorneys, they furnishing their own expenses, and prosecuting under a written contract with the claimant, which was reasonable and fair, considering the proposition that they were taking it upon a contingent fee, and that he himself had nothing to pay.

They got a judgment—that is, they got the findings and conclusions of the court—and the matter came up to Congress for another appropriation. For 17 years longer the matter was before Congress, and while committees reported several times in its favor, the bill making the appropriation never passed both Houses. So it was delayed for 17 years longer, until 1903, when again for the third time it was tried before the court.

The attorneys acted under their written contract, which had never been objected to, either by the man who made the contract or by his children, who accepted the services of the attorneys under that written contract, and the expenses were paid out by them for the prosecution of this case. Again it came before Congress, and for seven years more it has been prosecuted, each year by the same firm of attorneys, the older ones dying and the younger ones taking their places as successors in the contract; and until the present time there has not been one word of complaint against the written contract entered into by the decedent by a single one of the heirs. Not one of the heirs has furnished one penny in the prosecution of these cases for 50 years; but at one time, as the attorneys considered that the matter of the probate of the estate probably did not come under their contract, and that they were not to pay that expense, when they requested the heirs to at least pay the expenses of getting the estate probated, so that they could continue the action in the name of the personal representatives of the estate, the heirs answered that they would pay nothing; that the attorneys could go ahead and prosecute the case.

The attorneys went on with this prosecution year after year, tried these three cases, secured their evidence from Apia, in the Navigator Islands, paid all the expense, and tried and retried the case under a written contract that has never been questioned in the slightest degree. Now, I submit that it is rather late for a grandchild of the decedent to come in at this time and say that 50 per cent of the fee is an exorbitant charge.

I know the Senator says that the heirs claim that the decedent entered into contracts that would make 65 per cent, and I am perfectly willing, if he thinks there is any question between his view of it and mine, to say that it shall not exceed 50 per cent. That would end it—a difference of 10 per cent between his contention and what I say was the honest contract which was entered into with the attorneys. It was a contract into which the decedent had the right to enter; it was prosecuted for nearly 30 years, while he was alive, without any objection upon his part; it has been prosecuted for 20 or 25 years since that time by the same attorneys or their successors, and not one of the children ever made any objection; and now a grandchild finally comes in, when the claim is about to be allowed, and says that this 50 per cent is an excessive fee and that it ought not to be allowed. I say that is certainly extremely unjust.

The amount allowed now aggregates, I think, \$38,000. There are four attorneys that I know of who are engaged and have been engaged right along in the trial of this action. Giving them 50 per cent, it would amount to \$19,000 for 50 years of service; and I insist it is not excessive.

But, Mr. President, if any Senator thinks that it is excessive, or if these heirs of the decedent think it is excessive, they have their rights in the probate court, because we have already adopted an amendment, which the Senator from Ohio now wishes to destroy, providing that not one dollar shall be paid out of this sum until the probate court has passed upon all contracts for the payment of attorneys' fees and has approved of them.

I assume that the probate court will not approve of them unless they are reasonable and fair and just, and there is not a Senator here who is capable to-day of passing judgment upon what this charge should be; and, admitting his incapability to pass upon it, is he willing to take upon himself the authority to destroy a written contract made over 50 years ago, under which the parties have continued their services until they are about to secure a portion of the claim?

I think this question should go right where the amendment sends it—to the probate court; and if the probate court thinks that these 50 years of services are worth less, with all the expenses and all the probating fees paid by the attorneys, than 50 per cent of what they seek to recover, then, of course, the attorneys will have to abide by it.

But I submit, Mr. President, it is unjust for Senators to attempt to pass judgment upon that contract and to say that it is not right; and it is equally unjust for the grandchildren of the man who made the contract 50 years ago, and who continued that contract and who renewed it in 1883, under which all the services have been carried on without objection from him and without objection from his immediate heirs, to now say that they will hold up the attorneys "if we can not get more than this," because the increase in the number of heirs has been such that there will not be so much coming to each beneficiary as there would have been when the heirs consisted of only the children. Upon that ground the husband of one of these grandchildren has come to the conclusion that his share will not be so much as he thinks it ought to be.

I do not think that a delay until the number of heirs has increased to such an extent that the division must necessarily

be small would hardly justify us in setting aside a contract, especially when we all admit that we can not say that that contract was not fair upon its face.

I am certain, from what I know of the case, that there is not an attorney in the land who would have put in the work that has been put in on this case and charged less than 50 per cent of the claim.

Mr. BURTON. Will the Senator from North Dakota yield to me for a question?

Mr. McCUMBER. Certainly.

Mr. BURTON. Does the Senator regard the provision inserted several days since in the paragraph on page 127 as prevailing over the general provision of 25 per cent which the Senate has just adopted by vote?

Mr. McCUMBER. I should certainly hope that it did.

Mr. BURTON. That strengthens the position I took a few moments ago, that we should put this beyond peradventure.

Mr. McCUMBER. I should hope that it did. That is the reason I let it go, because I considered that it did.

Mr. BURTON. And the amendment adopted as in Committee of the Whole should be defeated. I trust Senators will understand the question about to be submitted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 29495) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 21331) for the purchase of land for the widening of Park Road, in the District of Columbia, and it was thereupon signed by the Vice President.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. Mr. President—

Mr. BURTON. I shall not take any time. Does the Senator from Maine desire the floor?

Mr. HALE. There is an appropriation bill on the Vice President's table which I desire to have considered.

The VICE PRESIDENT. The Chair was about to lay before the Senate a message from the House of Representatives whenever the Senator from Ohio would yield the floor for that purpose.

Mr. BURTON. I yield now.

Mr. HALE. It will take only a few moments. I ask the Chair to lay before the Senate the urgent deficiency bill.

The VICE PRESIDENT laid before the Senate the bill (H. R. 29495) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes, which was read twice by its title.

Mr. HALE. To hasten the adjournment, I ask the Senate to proceed to the consideration of the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Secretary proceeded to read the bill.

Mr. HALE. I offer the amendment I send to the desk.

The SECRETARY. On page 1, after line 7, it is proposed to insert:

DEPARTMENT OF STATE.

Contingent expenses, foreign missions: To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, including typewriters and exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, for the fiscal year ending June 30, 1911, \$50,000.

The amendment was agreed to.

Mr. HALE. I offer the following amendment.

The SECRETARY. On page 3, after line 8, it is proposed to insert:

CAPITOL.

For work at Capitol and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol and for Senate and House Office buildings; flagstaves, halyards, and tackle; wages of mechanics and laborers; purchase, maintenance, and driving of office vehicle, and not exceeding \$100 for the purchase of technical and necessary reference books and city directory; and for special repairs Senate wing, \$2,500.

To pay the Sinclair-Scott Co. for damage to property of said company while temporarily in possession of the Government and in the charge of the Superintendent of the United States Capitol Building and Grounds, \$1,636.14.

The amendment was agreed to.

Mr. HALE. I offer the amendment I send to the desk.

The SECRETARY. On page 5, after line 10, it is proposed to insert:

SENATE.

For compiling and indexing reports and hearings when necessary of Senate committees and joint committees of the Senate and House of Representatives under Pitman Pulsifer, indexer, as provided in the act making appropriations for sundry civil expenses of the Government, approved June 25, 1910 (36 Stats., p. 766), \$6,500, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HALE. I offer the following amendment:

The SECRETARY. On page 6, line 11, after the word "the," to strike out "appropriation of \$40,000 made" and insert "appropriations for salaries, office of the Chief of Weather Bureau, and," and in line 14, after the word "eleven," to insert "not to exceed," so as to make the clause read:

To enable the Public Printer to take over certain printing work done in the central office of the Weather Bureau there is hereby transferred from the appropriations for salaries, office of the Chief of Weather Bureau, and for the maintenance of a printing office in the Weather Bureau at Washington for the fiscal year 1911, not to exceed the sum of \$20,000, to be expended by the Public Printer for printing and binding for said bureau for the balance of the current fiscal year.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BORAH. I desire to inquire of the chairman what is the salary fixed for the five extra circuit judges. I understood the Clerk to read \$10,000.

Mr. HALE. It is \$7,000 each.

Mr. SMITH of Michigan. Seven thousand dollars each.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OMNIBUS CLAIMS BILL.

The Senate resumed the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

Mr. BURTON. Mr. President, a parliamentary inquiry. I should like to inquire if the amendments adopted in the Committee of the Whole to the pending bill, save the one on which I have requested a separate vote, have been concurred in in the Senate.

The VICE PRESIDENT. The Chair understands not. That matter came up while the present occupant of the chair was out of the Chamber. Demand was made for a separate vote upon one amendment, that on page 127. The demand was made by the Senator from Ohio, as the Chair understands.

Mr. BURTON. The vote on that amendment will naturally follow the disposition of the other amendments.

The VICE PRESIDENT. Is a separate vote demanded on any other amendment? If not, the question is on concurring in all of the amendments made as in Committee of the Whole save the amendment on page 127.

Mr. BURTON. After the amendments that were agreed to in the Committee of the Whole shall have been disposed of, the bill will be open to amendment in the Senate?

The VICE PRESIDENT. It will still be open to amendment in the Senate.

Mr. BURTON. Very well.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole, except the amendment on page 127.

Mr. McCUMBER. What is the exact question?

The VICE PRESIDENT. On concurring in all amendments made as in Committee of the Whole save the amendment on page 127, line 13.

The amendments were concurred in.

Mr. BURTON. I ask for a separate vote on the amendment on page 127. I will ask to have the Secretary read the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 127, line 13, after the word "dollars," insert the following proviso:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. BORAH. Am I to understand that the Senator from Ohio is seeking to eliminate that proviso from the bill?

Mr. BURTON. Yes.

The VICE PRESIDENT. The Senator from Ohio opposes that amendment, as the Chair understands.

Mr. BURTON. That is the fact.

Mr. BORAH. As I understand, we adopted an amendment a few moments ago limiting any attorneys' fee to not exceeding 25 per cent.

Mr. BURTON. I will explain by saying that, without examining the exact phraseology of the two amendments, I should doubt whether the general provision limiting fees to 25 per cent would prevail over the specific provision in this section, and to remove any doubt I think this amendment should be voted down. It certainly can do no harm to vote down the amendment.

The Senator from North Dakota [Mr. McCUMBER] spoke at some considerable length, evidently on the theory that this amendment on page 127 was still effective. I understand the action of the Senate to have been against his contention.

Mr. BORAH. Will not the effect of leaving both these amendments in the bill be to enable the probate court to fix the amount at not to exceed 25 per cent?

Mr. BURTON. It is quite likely that that would be the conclusion reached by the probate court, but the Senator from Idaho knows, of course, the general legal maxim or principle that the specific provision prevails over the general; and I do not feel certain, without an examination of the exact phraseology—

Mr. BORAH. I should like to ask that both of the amendments with reference to limiting the attorneys' fees and fixing the attorneys' fees be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read the amendment on page 127.

The SECRETARY. On page 127, line 13, after the word "dollars," insert the following proviso:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

The second amendment is on page 185, after line 3, to insert the following proviso:

Provided, That the attorneys' fees allowed in any case shall not exceed 25 per cent of the sums herein appropriated in each case.

Mr. BURTON. Mr. President, it seems to me as if the latter provision would prevail. I think, however, we had better vote down the first amendment read.

Mr. BORAH. In view of the rule that we should construe both and all parts of a statute to stand, it would seem to me that both provisions would be effective; and while the court might fix the amount, it could not fix it to exceed 25 per cent.

Mr. SMITH of Michigan. I think if the Senator from Idaho will examine the amendment of the Senator from North Dakota [Mr. McCUMBER] he will find that it deals not only with the fees, but with the expenses incident to this litigation.

Mr. BORAH. Quite true.

Mr. SMITH of Michigan. And that might have a very decided bearing upon the amount finally realized by the claimant.

Mr. BORAH. But that would not change the legal proposition which I have just suggested, and that is, while the court would have jurisdiction to fix the attorney's fee, it could not fix it to exceed 25 per cent.

Mr. McCUMBER. I understand that the vote now is upon concurring in the amendment that was offered by the Senator from North Carolina the other day and which was adopted, an amendment that was agreed to by the heirs, or one of the heirs, of the decedent. I should like to vote intelligently upon this motion to strike out the amendment that was then agreed upon. I should like, if I could, to have other Members of the Senate vote intelligently upon the same question.

I do not know how any of us are going to do that, unless somebody can furnish us with the reasons why a contingent contract for 50 per cent for conducting litigation under that contract for 50 years, without objection by the heirs, for 30 years without objection by the decedent, should now be set aside by the Senate of the United States, when admittedly they do not know anything about it and do not know anything about the amount of the services rendered under the contract.

I am willing, and I have suggested it as the proper way out, if there is any question, to allow the probate court of this city to pass judgment upon the question whether the contract ought to be enforced; and, as is suggested by the Senator from Maine, that is fair. If it is unfair, I should like to know wherein it is unfair. Why should the Senate, after admitting that they do not know anything about the attorneys' fees in all the other cases, and without any knowledge, having fixed them at 25 per cent, then, with the knowledge of this case and all the facts I have given, and which are indisputable, take it upon themselves to do what every Senator must admit to be unjust, considering the amount of work done?

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I yield.

Mr. BRANDEGEE. With respect to the amendment limiting the compensation of attorneys to 25 per cent, how does the Senator understand it is to be enforced or can be enforced?

Mr. McCUMBER. I do not suppose that a claim on the part of attorneys, when the payment is made, if it is made to them directly, could be over 25 per cent; that is all.

Mr. BRANDEGEE. But suppose the parties themselves collect the money and settle with their own attorneys, would this provision then have any effect as a limitation upon the amount?

Mr. McCUMBER. Certainly; if they felt so disposed. But suppose a case where a contract had been made for a contingent fee, and where the heirs themselves have by asking for this amendment announced that they do not propose to live up to the contract made by the decedent, although all the expenses have been paid by the attorneys, and 50 years' litigation has been conducted without their assistance.

Mr. BRANDEGEE. Has the Senator—

Mr. McCUMBER. I am willing to leave the contract just as it is. I do not want the Senate to interfere with it. I was perfectly willing to leave it in the first place as it was and let it be settled by the proper court. There is a court here in the District of Columbia, a probate court, that has jurisdiction over the estates of decedents. Before any claim can be paid pertaining to such an estate out of those funds it must be approved by that court. That includes attorneys' fees and everything else connected with it. That being the case, if the heirs at law have any just objection either on the ground that it is excessive, that it was extortionate, or that the decedent was incompetent, it can be urged upon the court and tried before the court before the court will pass judgment upon any one of these claims. Why do we need any more than that?

Mr. SMITH of Michigan. It is very apparent that Congress has no power whatever to vitiate this contract between private parties. If the money is once paid into the hands of the claimant this limitation upon the appropriation will have no force at all. We have no power to invade the field of private contract and nullify outstanding obligations, and after these claimants get the money in their possession they may do with it as they please; and it is very evident here that they are preparing for a mortal combat among themselves, which might, with perfect propriety, be postponed until other necessary obligations of the Government have been met. I deem it far more creditable to us to pass the deserving claims of aged soldiers of the Republic who need relief in their old age, and that necessary public buildings in course of construction should be completed, than that a premium should be placed on speculative legal services of this character.

Mr. McCUMBER. There is no question about it that the parties might have a claim against the persons for a division with the parties receiving it. Attorneys, and most of the Senators here are attorneys, fully understand how weak that would be in this case. They, furthermore, fully understand that the contract which allowed the attorney to collect should have it paid into the attorney's hands. He was protected; he performed his services under a contract that gave him a protection. He would not undoubtedly have made a contract had he anticipated that Congress would have come in and of its own volition, without one atom of reason, seek to break that contract without even investigating its validity.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I yield, Mr. President.

Mr. BRANDEGEE. Is it not the theory of the amendment that has been put on here that Congress has authority to put a limitation upon its own appropriation?

Mr. McCUMBER. Certainly. While Congress can not vacate that contract, Congress can so act in the appropriation that it will nullify the contract. That is the point.

Mr. SMITH of Michigan. But when the disbursing officer of the Government pays this money over to the claimant, the lawyers taking no part whatever in its distribution at that time, it will fall into the hands of the claimant for such disposition as he or she may make of it, and Congress is powerless to impose any limitation upon its distribution at all.

Now, then, in order to overcome this limitation the lawyers can refrain from pressing their claim upon the probate court and rely upon their private contract with these parties. I am free to say, Mr. President, that I do not like this aspect of the case.

Mr. McCUMBER. I think the Senator will agree that when this sum is paid out it will be the duty of the disbursing officer to see to it that it does not go through the hands of the attorneys, but goes into the hands of the claimants, at least not to exceed 25 per cent, under the authority given for the disbursing of this fund; and when it goes into the hands of the claimant the Senator understands as well as I do that it would be almost impossible, under the conditions, for the attorneys to collect their fees. The sum might be so small to each one of all these numerous heirs that they could all make a claim under the rule of law which allows them to make a claim of a certain amount that is free from execution.

Mr. SMITH of Michigan. If the Senator will pardon me, if these attorneys do not participate in the distribution of the fund by the Government, it will be handed over directly to the claimant. Here is the Van Camp claim that the Senator has spoken of. If this \$38,000 is paid to the Van Camp claimants, they may do with it what they please.

Mr. McCUMBER. There is the trouble.

Mr. SMITH of Michigan. They may give it all away to counsel or friends. If the attorneys rely upon the contract between Van Camp and his counsel and do not seek to arrest this fund in its distribution by the Government, this amendment will have no application at all. I can not see my way clear to support this bill, burdened as it is with contingent fees and remote collateral claimants.

Mr. McCUMBER. The Senator is undoubtedly not aware of one condition in this case, that under the bill the funds are to be paid to the Washington Loan & Trust Co., representative of the estate of Aaron Van Camp. It is not paid directly to the heirs at all. Then there is a provision that when this is paid by the disbursing officer it must be paid upon conditions, one of the conditions of which is that the heirs at law must have at least 75 per cent of it. Of course that would be carried out. Of course they could do as they saw fit with 75 per cent of it, or with all of it; and from their attitude here those people who have taken no part and paid out not one cent in the prosecution would so take care of their proportion that the attorneys would get mighty little of it.

It does seem to me that the attorney who has taken all the chances in the case, who has furnished all the funds for the prosecution of the case, is entitled to be considered when it is a question whether he will receive or lose his fees.

Mr. BURTON. Mr. President, just a word. The retention of this paragraph adopted by amendment in Committee of the Whole might be more favorable to the heirs, but we should make the bill uniform. The general provision which has been adopted here is a 25 per cent limitation on fees. So this exceptional paragraph relating to this one item should be taken out.

I am not going to answer the Senator from North Dakota at any length. Here is a claim that is whittled down to \$38,750, which he says was originally \$300,000. Part of the \$300,000, perhaps two-fifths, belongs to another claimant, but the amount awarded by reason of the services of these attorneys shows a great reduction from the original claim. I do not think those attorneys could come before Congress or before any court of equity with any favorable showing of results achieved.

According to the understanding of the heirs, they would receive from the \$38,750 only about \$7,000 or \$8,000. They come here saying, rather than to have the claim disposed of in that way, with the attorneys receiving so large a share, they would prefer to have it stricken out of the bill entirely. The Senator from North Dakota must recognize that the Senate has just adopted an amendment limiting to 25 per cent the amount that can be paid to any attorney on any claim, but he has at very great length alleged reasons why this should be excepted from this general rule.

Now, Mr. President, this bill is very largely made up of French spoliation claims which owners and heirs to the great-great-grandchildren, with their attorneys, have been prosecuting here before courts and before Congress for 110 years. How much longer a tale and how much more pathetic an appeal they could present to the Senate than the attorneys for this claim, who started out with a claim of \$300,000 and now offer to the heirs the prospect of obtaining seven or eight thousand after their fees are paid. There certainly should be no discrimination in the fees allowed to attorneys for this claim, and the amendment made in Committee of the Whole should be rejected.

Mr. McCUMBER. Mr. President, because the Senate acted in one instance upon something that they confessedly know little about, the relation of claims existing between client and attorney, is no reason why the Senate should act the same way

on something it does know something about, and has been informed about, and upon which it must admit that the claim is absolutely just. So I think the argument of the Senator from Ohio is not sound in that respect.

I know something about the time it takes to prosecute these cases. I have no information that the attorneys have not acted with diligence. I think those who represented the French spoliation claims have so acted, and I have heard no criticism against them. I think the body that has not been diligent or fair in the matter has been Congress and not the claimants or their attorneys.

Mr. President, I do not like to see Congress take it upon itself by a vote to strike out a contract which it does not say is wrong, and which on every principle is right and ought to be enforced.

The Senator from Ohio says that the heirs would rather get nothing than get the little amount. Yes; and the Government would rather that the attorneys should get nothing than to get their just fees. That seems to be the position. If we can not deprive them of receiving what they are entitled to receive, under the contract, we would rather that the whole claim should go to the wall. The heirs have nothing to lose in the matter, because they have expended no money and they have expended no services, whereas the attorneys have expended years of service, and they have expended their money in the prosecution of these claims. It is a very easy thing for them to say, "We are nothing out, anyway; we have expended nothing in it;" but it is unjust for them to attempt to enforce a theory of that kind as against those who have performed the service and paid the expenses.

Mr. President, I suggest the want of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Jones	Shiveley
Borah	Crane	Lodge	Simmons
Bradley	Crawford	Lorimer	Smith, Md.
Brandeggee	Cummins	McCumber	Smith, Mich.
Bristow	Curtis	Martin	Smoot
Brown	Dick	Newlands	Swanson
Burkett	Dillingham	Page	Tallaferro
Burnham	du Pont	Paynter	Terrell
Burton	Fletcher	Percy	Thornton
Carter	Flint	Piles	Warner
Chamberlain	Gamble	Purcell	Young
Clark, Wyo.	Hale	Rayner	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. A quorum of the Senate is present. The question is on concurring in the amendment made as in Committee of the Whole, which the Secretary will again read.

The SECRETARY. On page 127, line 13, after the word "dollars," insert the following proviso:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I desire to announce that I have a general pair with the junior Senator from Maine [Mr. FRYE], and I therefore withhold my vote, as he is absent.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], and withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN] and the transfer of my pair to the Senator from Rhode Island [Mr. ALDRICH]. I vote "yea."

Mr. PAYNTER (when Mr. JOHNSTON's name was called). The Senator from Alabama [Mr. JOHNSTON] is still ill and unable to attend the session of the Senate.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is necessarily detained from the Senate. I therefore withhold my vote.

Mr. PURCELL (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present and voting I should vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. SHIVELY (when his name was called). I again announce that I am paired for the day with the senior Senator from New Jersey [Mr. GALLINGER]. I transfer my pair to the junior Senator from Colorado [Mr. HUGHES] and vote "nay."

The roll call having been concluded, the result was announced—yeas 16, nays 25, as follows:

YEAS—16.			
Borah	Dillingham	Lorimer	Piles
Bradley	du Pont	McCumber	Swanson
Brandeggee	Fletcher	Martin	Tallaferro
Burnham	Hale	Newlands	Thornton
NAYS—25.			
Bourne	Crawford	La Follette	Taylor
Bristow	Cummins	Lodge	Terrell
Brown	Curtis	Page	Warner
Burkett	Dick	Percy	Young
Burton	Flint	Shively	
Carter	Gamble	Smith, Mich.	
Clarke, Ark.	Jones	Smoot	
NOT VOTING—51.			
Aldrich	Cullom	Johnston	Richardson
Bacon	Davis	Kean	Root
Bailey	Depeew	Money	Scott
Bankhead	Dixon	Nelson	Simmons
Beveridge	Elkins	Nixon	Smith, Md.
Briggs	Foster	Oliver	Smith, S. C.
Bulkeley	Frazier	Overman	Stephenson
Burrows	Frye	Owen	Stone
Chamberlain	Gallinger	Paynter	Sutherland
Clapp	Gore	Penrose	Tillman
Clark, Wyo.	Guggenheim	Perkins	Warren
Crane	Heyburn	Purcell	Wetmore
Culberson	Hughes	Rayner	

The VICE PRESIDENT. The amendment is lost.

Mr. McCUMBER. I wish to ask the Chair, as I did not hear the vote announced clearly, whether it indicated that a quorum is present.

The VICE PRESIDENT. With the announcement of those present who stated that they were paired, and therefore withheld their votes, a quorum was shown to be present.

Mr. McCUMBER. I suggest the want of a quorum at the present time.

The VICE PRESIDENT. At the present time?

Mr. McCUMBER. Yes.

The VICE PRESIDENT. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Jones	Shively
Borah	Clarke, Ark.	La Follette	Smith, Mich.
Bourne	Crane	Lodge	Smoot
Bradley	Crawford	Lorimer	Swanson
Brandeggee	Cummins	McCumber	Tallaferro
Bristow	Curtis	Martin	Taylor
Burkett	Dick	Newlands	Terrell
Burnham	Dillingham	Page	Thornton
Burrows	du Pont	Paynter	Warner
Burton	Fletcher	Percy	Young
Carter	Flint	Piles	
Chamberlain	Gamble	Purcell	
Clapp	Hale	Rayner	

Mr. McCUMBER. I should like to ask at this time whether the roll call discloses that a quorum is present.

The VICE PRESIDENT. The roll call discloses the presence of 49 Senators who have answered to their names. A quorum of the Senate is present.

Mr. HALE. Mr. President, I do not want to interfere with the Senator from North Dakota [Mr. McCUMBER], but it is evident that no further business can be done to-day. I therefore move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 4 minutes p. m.) the Senate adjourned until Monday, December 19, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 17, 1910.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 29495, the urgent deficiency appropriation bill. And pending that I ask unanimous consent that general debate be closed in five minutes.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 29495, the urgent deficiency appropriation bill. And pending that he asks unanimous consent that all general debate close on this bill in five minutes. Is there objection?

There was no objection.

The motion of Mr. TAWNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of H. R. 29495, the urgent deficiency appropriation bill, and the Clerk will read.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the total amount carried in this bill is \$849,356.79. Of that amount there is less than \$100,000 actual deficiency. There is \$550,000 of that amount for continuing the work on the New York dry-dock. One hundred thousand dollars of that amount is an advance appropriation which Congress always makes in an urgent deficiency bill for the Geological Survey in Alaska. They need that appropriation as soon as possible in order that they may get their supplies into the interior of Alaska during the winter months when transportation facilities are far better than at any other time of year.

Then there is an item of \$90,000 which, in a sense, is a deficiency in the Treasury Department on account of compensation in lieu of moities. Then there are two items for rent of buildings where the rent is long past due, the rent of a temporary structure while the post office is being erected—one in Columbus, Ohio, and one in Michigan. There are also the salaries of the judges of the Court of Commerce and their contingent expenses. Also the salary of one district judge in the new district created at the close of the last session in the State of New York.

Mr. MANN. Has that judge been appointed?

Mr. TAWNEY. I do not know whether he has been appointed or not. Then there is a deficiency of \$19,574 in the Treasury on account of stationery. The Secretary of the Treasury has submitted a letter stating that this appropriation was apportioned at the beginning of this fiscal year as required by the antideficiency act, and that the apportionment has since been waived because of the discovery of the fact which could not be ascertained or was not ascertained at the time the apportionment was made. That discovery was that the Chief of the Division of Stationery in the Treasury Department had drawn in advance on the appropriation for this fiscal year to make up a deficiency in the last fiscal year. There is now a new chief of that division. But the deficiency exists; in fact, the appropriation is practically exhausted at this time and it is very necessary that it should be made. The letter of the Secretary shows that the deficiency is a legal deficiency within the antideficiency law.

The CHAIRMAN. The time for general debate having expired, the Clerk will read the bill.

The Clerk read as follows:

WAR DEPARTMENT.

For reimbursement to the Broadway Bargain House, New York City, the amount paid by said firm for clothing purchased from the United States and paid for, but not delivered, \$3,357.04.

Mr. MANN. Mr. Chairman, to that I raise a point of order.

Mr. TAWNEY. That item, Mr. Chairman, arises in this way: The War Department advertised for the sale of a large quantity of clothing. The purchaser bid and paid for the amount which the department stated in their proposal they had for sale, but when the department came to inventory and ship the clothing it was found that it did not inventory as much as they had represented and as much as they had received from this man in the city of New York. Now, this is to reimburse him for the difference between the actual amount of clothing he bid and paid for at the price fixed in his bid and the amount of clothing which he in fact received on the strength of the original proposal.

Mr. MANN. Of course this money was paid into the Treasury.

Mr. TAWNEY. The money was paid into the Treasury.

Mr. MANN. It is now a claim against the Government like other claims.

Mr. TAWNEY. No; it is not a claim against the Government.

Mr. MANN. What is it?

Mr. TAWNEY. Other branches of the service have the same provision; in fact, there is permanent law in the Internal Revenue Bureau. There is authority for refunding out of appropriations that are made for that purpose. There is no difference between making an appropriation in advance of the refunding of the amount, or in advance of the circumstances which require

the refunding of the amount, and making an appropriation after the fact, as it is proposed to do here.

Mr. MANN. I take it that it is just an ordinary claim against the Government with an exceptional—

Mr. TAWNEY. No; it is an ascertained amount. The money is in the Treasury, the difference between the amount paid and the inventory price of the goods, and it does not belong to the Government, but belongs to this individual.

Mr. MANN. Well, I would not insist on the point of order, so far as the claim is concerned, although it is a claim against the Government, but I would like to make inquiry about one other thing. What I have in mind relates to the sale of clothing by the War Department. I have frequently seen in the city of Chicago, and the same is true in other cities, flaming advertisements in newspapers, accompanied with the rent of a store in a prominent place, filled with War Department goods, stating that these goods were new and had been purchased from the Government, and were now for sale at reduced rates. I have examined those goods, blankets in the very best of order, as good blankets as are used in the War Department, much clothing in the same condition, and I would like to know how it is that these goods are being offered for sale by the Government under such conditions.

Mr. TAWNEY. Because they are condemned.

Mr. MANN. It may be; but for what?

Mr. TAWNEY. Condemned by officials of the War Department.

Mr. MANN. Well, I know they are nominally condemned; but condemned for what?

Mr. TAWNEY. The chairman of the Committee on Military Affairs, who is somewhere on the floor, may be able to answer the gentleman from Illinois, but my understanding is that the officials of the War Department, acting under the authority of the Secretary of War, condemn these goods, and then they are advertised for sale. This particular sale was condemned under the authority of the Acting Secretary of War, October 11, 1909, 27,000 drill coats, 30,000 duck coats, 25,000 drill trousers, and 26,200 duck trousers.

Mr. MANN. What was the matter with them?

Mr. TAWNEY. The condemned clothing was advertised for sale. I had no opportunity to examine the clothing, and I do not know whether it was moth-eaten or what was the matter with it.

Mr. MANN. But the gentleman had an opportunity in the committee to ascertain the information that I want, and if he did not avail himself of that opportunity I regret it.

Mr. TAWNEY. They were condemned by authority of law, and there is no necessity wasting time finding out what the trouble was.

Mr. MANN. It is desirable not to waste time, but to properly use it in making an investigation. Here is clothing that can only be accepted by the War Department after inspection. We had up here not long since the question of whether the War Department inspection of clothing was as good as by the Indian Service. Here is clothing inspected by the War Department, and then condemned without being taken out of stock—not used, not worn; in some cases the regulations not changed; and then when the money is put into the Treasury they want us to take it out again. It seems to me we ought to have an explanation of an item like that.

Mr. DOUGLAS. May I ask what information was before the committee which led them to make this provision?

Mr. TAWNEY. A report from the Secretary of the Treasury transmitting a letter in Document No. 1142—a letter from the Quartermaster General—fully explaining the circumstances under which the excess amount was paid into the Treasury, and also a detailed statement of the quantity of goods and the authority under which they were condemned. The circular does not state why they were condemned.

Mr. MANN. Well, I am sorry that I can not get the information. I have laid away somewhere among my files some of these page advertisements, and if I had known this item was in this bill this morning I think I would have produced those advertisements and asked leave to put them into the Record. Following these advertisements, which I have seen on a number of occasions in the metropolitan papers, I have gone to the store and examined the goods—perfectly new. It may be that some excuse can be given for it.

Mr. MANN. I do not think the Quartermaster's Office would do such a thing without an excuse. I think we ought to have a reasonable excuse and know why good clothing purchased to-day, inspected to-morrow, is condemned the next day and sold the next day, if that be the case.

Mr. HULL of Iowa. I doubt if that is true.

Mr. MANN. Well, that is what we want to find out.

Mr. TAWNEY. The gentleman from Iowa is better qualified to answer this, because he has investigated this matter and knows—

Mr. HULL of Iowa. The gentleman from Iowa is not qualified to answer the question in regard to condemnation of clothing offhand, but the gentleman from Iowa thinks he is qualified to say this, that the Quartermaster General's Office is as efficiently organized to-day as ever in the history of the Government, and if there is anything of the kind to which the gentleman refers, a note to the Quartermaster General will get the information, and if the gentleman from Illinois does not get it, I shall take great pleasure in getting an answer, so that the House may get the facts. This is the first time I have had the matter called to my attention.

Mr. MANN. I agree with the gentleman from Iowa that the Quartermaster General's Department is efficiently organized.

Mr. HULL of Iowa. I know, for instance, that in the issuance of the 5-pound blankets they have decided that the 3-pound blankets are sufficient and will save largely in the cost of the blankets furnished to the Government, and they are now issuing only the 3-pound blankets. That is one reason—they may get more for the 5-pound blanket than the cost of the 3-pound blanket and give the men a uniform blanket.

Mr. MANN. I would like to inquire if in the sale of the 5-pound blanket they receive as much for the 5-pound blanket as they can turn around and buy the 3-pound blanket.

Mr. HULL of Iowa. My impression is they receive more, but I have no positive information.

Mr. MANN. I can see that the 5-pound blanket is much more efficient than the 3-pound blanket.

Mr. HULL of Iowa. That is a question. They regard the 3-pound blanket as giving ample satisfaction, having less weight to carry and ample for wear and heat, and therefore it would save the extra 2 pounds. Now, as to clothing, the gentleman says it is inspected and purchased to-day and inspected and condemned to-morrow. I am inclined to think the gentleman did not think when he said that—

Mr. MANN. I think I stated I had a doubt as to the time, but the question of a little time does not make any difference.

Mr. HULL of Iowa. It does make a great deal of difference if goods have been shipped here and there and kept on hand a long time; they are sometimes damaged and shopworn.

Mr. MANN. I have seen plenty of this clothing that was absolutely not damaged in the slightest degree, perfectly new, just as new as any out of any hand-me-down store.

Mr. HULL of Iowa. I will say that nobody can give the information except those directly charged with the administration of the affairs of the Quartermaster's Department.

Mr. MANN. I will say to the gentleman from Iowa it does not look well to have clothing sold to a man who then advertises it extensively that he has purchased new clothing from the Government to be sold at much lower rates than it can be purchased anywhere else because he has purchased the clothing from the Government at such a low cost.

Mr. HULL of Iowa. The Government can sell only by advertising anything that it condemns, and the gentleman will admit that these parties who are buying clothing at auction sales, no matter whether it is good or not, would advertise it in the most attractive way they could. So I hardly think the advertisement would govern entirely in that matter.

Mr. MANN. Undoubtedly the advertisement does not govern. It does not matter whether the advertisement is true or false.

Mr. HULL of Iowa. If you provide for condemning goods of any class, whether clothing, mules, horses, or harness—everything that is condemned—you can not prohibit the purchaser from advertising it in the best way he can to realize anything out of it.

Mr. LONGWORTH. It seems to me the gentleman from Illinois [Mr. MANN] ought not to object to the condemnation of this clothing after inspection, when he himself condemned the bathtubs in the House Office Building without any inspection at all.

Mr. MANN. I beg the gentleman's pardon. I was in favor of the bathtubs, and regret that my Cincinnati friend was not in favor of them. But seeing that the House was not determined to allow us to use bathtubs, I was not in favor of using them.

Mr. LONGWORTH. But it was the gentleman himself who ruthlessly condemned the use of bathtubs.

Mr. MANN. I am still in favor of the bathtubs. I will withdraw the point of order.

Mr. CULLOP. Mr. Chairman, I move to strike out the entire paragraph, beginning with line 15 and ending with line 19.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 15 and 19, both inclusive, on page 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

GEOLOGICAL SURVEY.

For a continuation of the investigation of the mineral resources of Alaska, to continue available until the close of the fiscal year 1912, \$100,000.

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. PUJO. Mr. Chairman, I send the following amendment to the Clerk's desk and ask unanimous consent to return to page 2, after line 13, and ask that the amendment be reported.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to paragraph after line 13, on page 2. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I have no objection to returning. The proper place for the amendment is under the title of "Public buildings," at the end of line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, insert:

"To pay the amount found due by the accounting officers of the Treasury under audit No. 18,444, for electric current furnished the United States building at Alexandria, La., from December 1, 1910, to June 30, 1911, \$4,306.44."

Mr. PUJO. Mr. Chairman and gentlemen of the committee, in explanation of this amendment I desire to incorporate in what I may have to say on this point letters from the office of the Auditor for the Treasury Department, Mr. Andrews. This amount of money is due from the Government to the city of Alexandria for electric current furnished to a public building there. The fund has been exhausted, and it was transferred to the surplus account, and the auditing department informs us it is necessary to have a special appropriation. I hope there will be no objection.

Mr. TAWNEY. I have no objection to the amount.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. PUJO].

The question was taken, and the amendment was agreed to.

Mr. PUJO. I wish these letters to be incorporated. They are as follows:

TREASURY DEPARTMENT.

OFFICE OF THE AUDITOR FOR THE TREASURY DEPARTMENT,
Washington, D. C., October 8, 1910.

CITY ELECTRIC LIGHT AND WATERWORKS,
Alexandria, La.

SIR: Your five accounts for electric current furnished the United States building at Alexandria, La., from December 1, 1903, to June 30, 1908, supplemental to accounts heretofore rendered, caused by error in reading meters, amounting to the sum of \$4,306.44, payable from the appropriation for "Fuel, lights, and water for public buildings," 1904, \$447.53; 1905, \$1,118.76; 1906, \$1,064.88; 1907, \$988.04; 1908, \$687.23; has been settled as rendered per audit No. 18444 and transmitted to the Secretary of the Treasury that a warrant may issue for the amount due. The warrant will be mailed to you without further action on your part when an appropriation shall have been made.

Respectfully,
W. E. ANDREWS, Auditor,
By F. H. DAVIS, Deputy Auditor.

TREASURY DEPARTMENT.

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT,
Washington, November 15, 1910.

Hon. J. P. TURREGANO,
Mayor, City of Alexandria, La.

SIR: Your letter of the 11th instant, relative to warrant for \$4,306.44, amount found due the City Electric Light and Waterworks, is at hand.

This amount covers the period from December 1, 1903, to June 30, 1908, and as the balances of appropriations for these five fiscal years have, under the law, been carried to the surplus fund and are no longer available for the payment of claims. It will therefore be necessary for Congress to make an appropriation for the amount found due your city by this office, and when that appropriation shall have been made, which may be any time between December 5, 1910, and March 4, 1911, a warrant will be sent you. If you will look at the letter of October 8 to City Electric Light and Waterworks from this office, copy of which is inclosed, you will see that it states the "warrant will be mailed to you" * * * when an appropriation shall have been made.

The warrant for \$865.89, already received by you, covers amount due for the period from July 1, 1908, to June 30, 1909. Amounts due for the period after July 1, 1909, have been paid you by the disbursing clerk of the Treasury Department.

Respectfully,
W. E. ANDREWS, Auditor,
By F. H. DAVIS, Deputy Auditor.

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order on the paragraph relating to the Geological Survey ending on line 6, page 3. I noticed that appropriation of \$100,000, to be available for the fiscal year 1912. I wanted to inquire of the chairman of the committee—

Mr. TAWNEY. This appropriation, as I mentioned in my opening statement, or part of it, is always expended during the

winter months of a given fiscal year, and the remainder, which is expended for the field force, is expended in the next fiscal year—the part to be extended in this fiscal year. It is really an appropriation for the fiscal year 1912, but it is made in advance in the urgent deficiency bill, to enable the Geological Survey to transport their supplies in the winter months so that they can avail themselves of the snow and ice for the purpose; and then in the summer months, when the work is done, they take it for the payment of the field expenses.

Mr. FOSTER of Illinois. That is all the appropriation they have?

Mr. TAWNEY. That is all they have.

Mr. FOSTER of Illinois. I withdraw the point of order.

Mr. TAWNEY. This is not a deficiency, as I stated in the outset.

The Clerk read as follows:

PUBLIC-LAND SERVICE.

That all surveyors heretofore or hereafter employed under the sundry civil appropriation act approved June 25, 1910, to make surveys or resurveys shall, in addition to the compensation provided for therein, receive not more than \$3 per diem in lieu of subsistence for each day they have heretofore been or may hereafter be on duty under such employment.

Mr. MACON. Mr. Chairman, I reserve the point of order upon that paragraph.

Mr. TAWNEY. Mr. Chairman, the necessity of this grows out of a recent decision by the Comptroller of the Treasury, in which he says:

I am constrained, after a most careful and personal review of the decision in question, to affirm the view therein expressed that you are not authorized to pay surveyors who are engaged in regular surveys of public lands in addition to \$200 per month as salary any other sum in lieu of subsistence.

The committee will remember that at the last session of Congress, in the sundry civil act, we entirely changed the law with respect to survey of public lands. Theretofore the public lands were surveyed by contract. That system had proven not only very expensive, but very unsatisfactory; and there were many instances in which it was very inefficient. For the purpose of improving the service, the Land Office was authorized to make these surveys, or employ examiners and engineers to serve under the immediate direction and supervision of the General Land Office. In that act we fix the compensation. The gentleman from New Jersey [Mr. HUGHES] will remember that the compensation was limited, on his motion, on the floor of the House, not to exceed \$200 a month for the examiners. The law referred to the payment in lieu of subsistence of \$3 a day, but under a ruling of the Comptroller of the Treasury it is now held that this monthly compensation being fixed by the law, the provision in the bill in regard to the \$3 a day in lieu of subsistence was not effective. Therefore, the men in the Land Office will not be able to go on with the surveys unless the office is able to pay the traveling expenses and subsistence of the men employed in connection with the service. The department was carrying out exactly what we thought we were doing when we changed the land-survey system from a contract to a service system under the direction of the department.

Mr. HUGHES of New Jersey. The contract system was in force before?

Mr. TAWNEY. Yes.

Mr. HUGHES of New Jersey. I do not recall the circumstances as well perhaps as I ought to, but I understand what the gentleman says, and I have absolute confidence in what he does say, that this provision is intended to put in force and effect the changes we made.

Mr. TAWNEY. That is exactly what it will do.

Mr. HUGHES of New Jersey. I therefore have no objection.

Mr. MACON. Mr. Chairman, I do not like this style of legislation. It seems retroactive in its character. It goes back without limit, and provides for those surveyors heretofore appointed as well as those who may be appointed hereafter.

Mr. HULL of Iowa. It can not go back very far.

Mr. TAWNEY. I will say to the gentleman from Arkansas that the expenses incurred by these men, and the money paid out, can not be repaid. It has been paid out by the department, but the department can not get any allowance for it.

Mr. HULL of Iowa. It does not go back a year?

Mr. TAWNEY. No; it only goes back to the 1st of July, 1910.

Mr. COOPER of Wisconsin. And the money has already been appropriated?

Mr. TAWNEY. The money has already been appropriated, and it does not require an appropriation. It simply enables the department to settle with its fund for this per diem paid to these men.

Mr. MACON. Why did the department pay this money if it was not authorized to do so by law?

Mr. TAWNEY. They supposed it was authorized by law. Every field employee of the United States, whether traveling constantly or only occasionally, is allowed a per diem; and \$3 a day is the lowest per diem paid to any man in the field service. The reason it is paid is simply because that was the amount always paid heretofore, and it was supposed by the Land Office, as it was by the House when we passed that law, that it was authorized to pay \$3 per diem during this fiscal year, as it had always done in the past.

Mr. MACON. Do they not read the law as enacted by Congress?

Mr. TAWNEY. Yes; and we supposed we followed the law; but we were mistaken, just as the Land Office was mistaken.

Mr. MACON. The House intended to give the per diem to them, did it?

Mr. TAWNEY. The House intended to give them the \$3 a day, the same as they had been given before; but under a strict construction by the Comptroller of the Treasury, he holds the law that we enacted for that purpose does not accomplish the purpose intended. This is to give force and effect to what we ourselves intended when we enacted that provision.

Mr. MACON. And it only goes back to July last?

Mr. TAWNEY. It only goes back to the 1st of July last.

Mr. MACON. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

JUDICIAL.

Salaries, circuit judges: For the salaries of five additional circuit judges, at the rate \$7,000 per annum, as provided for in the act creating the United States Court of Commerce, for the period from January 1 to June 30, 1911, \$17,500.

Mr. BARTLETT of Georgia. Mr. Chairman, I call the attention of the chairman of the committee to the fact that in the act of 1910 this court is designated as the "Commerce Court."

Mr. TAWNEY. The gentleman will observe that in the next paragraph we provide for the Commerce Court.

Mr. BARTLETT of Georgia. Yes; but you say—

The act creating the United States Court of Commerce.

And the name of the court is the Commerce Court. You have changed the name from that in the act creating it. There is no such court as the Court of Commerce. It is the Commerce Court.

Mr. TAWNEY. The language used here is identically the language used by the Department of Justice in transmitting the estimate, and we did not think it possible that the Department of Justice would be mistaken in the title of a court so recently established as the Commerce Court.

Mr. BARTLETT of Georgia. You will find on page 155 of the estimate submitted by the Treasury Department that they call it the Commerce Court.

Mr. TAWNEY. I find by referring to the act creating the court that it is called the Commerce Court. It says— that a court of the United States is hereby created which shall be known as the Commerce Court.

I presume that the clerk who prepared and sent the estimate to Congress is responsible for this form of it.

Mr. MANN. In referring to a district judge you do not refer to him as a "district judge of the United States," and in this case we intentionally changed the title to Commerce Court to avoid using so much printer's ink and type as would be required in years to come every time the name of the court was mentioned, if it was called the United States Court of Commerce. We gave it a short title, "Commerce Court." That was not the way the Department of Justice prepared the original bill. Some one up there has not discovered that we made the change.

Mr. LIVINGSTON. You had better amend it, or they can not get their salaries under this title.

Mr. TAWNEY. Will the gentleman offer an amendment?

Mr. BARTLETT of Georgia. I move to strike out the words "United States Court of," and after the word "Commerce" insert the word "Court," in line 19, so that it will read:

The act creating the Commerce Court.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 19, strike out the words "United States Court of," and after the word "Commerce" insert "Court."

The amendment was agreed to.

The Clerk read as follows:

UNITED STATES COURT OF COMMERCE.

For the expense allowance of 5 additional judges, at the rate of \$1,500 per annum, from January 1 to June 30, 1911, \$3,750.

Mr. MANN. I suggest that that heading, which is probably a part of the statute, be changed. I ask unanimous consent to

strike out the heading "United States Court of Commerce" and to insert the words "Commerce Court."

The CHAIRMAN. If there be no objection, the alteration suggested by the gentleman from Illinois will be agreed to and be made by the Clerk.

There was no objection.

The Clerk read as follows:

For rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Court of Commerce; for necessary traveling expenses of the court, its officials and employees; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, \$30,000; in all, \$30,750.

Mr. BARTLETT of Georgia. Mr. Chairman, I move the same amendment in line 14, page 4, to strike out the words "United States Court of" and to insert after the word "Commerce" the word "Court."

Mr. TAWNEY. I have no objection.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 14, strike out the words "United States Court of," and after the word "Commerce" insert the word "Court."

The amendment was agreed to.

The Clerk read as follows:

LEGISLATIVE.

For additional amount for the expenses of the joint commission created by the urgent deficiency appropriation act approved August 5, 1910, to inquire into rates of premium for bonds of officers or employees of the United States, including all necessary expert, clerical, and other personal services, \$3,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I would like to inquire if this work has been completed.

Mr. TAWNEY. It has not been completed as yet. The work of the commission is far more extensive than was anticipated when the work was undertaken. We have in the Government service over 210,000 bonded employees. In order to ascertain accurately the loss sustained by the Government on account of defalcations it is necessary to cover a period of at least 15 years. The commission, or the actuaries employed by the commission, went back to the beginning of the time when corporate-surety bonds were authorized by law. The actuaries reported to the commission yesterday. It will require some little time yet to tabulate the data which has been collected from the schedules which have been sent out all over the United States. They are complete in every department of the Government except the Post Office Department, and that is very extensive, spreading out over an area covering the whole territory of the United States; but the actuaries expect to have their work completed by the latter part of next month; that is, the branch relating to personal-surety bonds. There is another branch of inquiry that the commission has not yet begun, and I do not know whether they can within the life of the commission pursue that inquiry. That branch is contract bonds and also court bonds.

Mr. BARTLETT of Georgia. When does the life of the commission expire?

Mr. TAWNEY. At the expiration of this Congress.

Mr. BARTLETT of Georgia. How much has been appropriated for the commission?

Mr. TAWNEY. Ten thousand dollars; and the commission has been at work 18 months.

Mr. Chairman, I move to strike out the word "ten" in line 4 and insert the word "nine," so that it will read "An act approved August 5, 1909."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 4, strike out the word "ten" and insert the word "nine."

The amendment was agreed to.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives on account of fiscal year 1910, \$5,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. This, as I understand it, is the contingent fund.

Mr. TAWNEY. Yes; there are a number of accounts, some of which have been allowed by the Committee on Accounts, of which the gentleman from Georgia is a member, growing out of the investigation conducted during the last session of Congress into the charges in connection with the ship subsidy bill. I believe this deficiency all arises from that investigation. Some of the accounts have been allowed and others are pending before the committee, as I am advised by members of the committee.

Mr. BARTLETT of Georgia. That was the purpose of my question, and I want to make a suggestion. There is no law to guide the Committee on Accounts as to the approval of these bills. Now, does not the chairman of the Committee on Appropriations think it would be proper in some way, somewhere, to put a limit on the amount that may be expended for the clerical work that may be employed by these committees to investigate? For instance, bills are presented to the Committee on Accounts for approval. The resolution which authorizes the creation of the committee to investigate simply authorizes the amount to be paid out of the contingent fund on the approval of the chairman, without putting any limit upon anything, and we have instances where there are large amounts charged for services rendered. Can the gentleman from Minnesota tell me what authority the Committee on Accounts has to decline to pay any of the bills? For instance, bills are presented for clerk hire and stenographers' services, and they appear to be for large amounts. There is no law that we are able to find that permits us to fix or determine or adjust them.

Mr. TAWNEY. The House in authorizing the committee ought in the resolution, and it has the power when creating a committee for the purpose of making an investigation, to fix the compensation of all employees. If the House does not do it, then the committee appointed for the purpose has the discretion of fixing the amount of compensation. I do not know of any law that would limit it. I say, however, that the Committee on Accounts ought to report some legislation or do something toward relieving the uncertainty in this matter. I am informed that the committee that was appointed to investigate the friar lands have already expended over \$16,000 in that investigation. They are bringing men all the way from the Philippine Islands to the United States and paying them at the rate of 5 cents a mile. I think that mileage is excessive.

Mr. BARTLETT of Georgia. Can the gentleman from Minnesota suggest what the Committee on Accounts can do?

Mr. TAWNEY. I do not know. I think the committee ought to consider the matter, and make some recommendation as to compensation to be paid to the employees of the committees and also in reference to the mileage allowed to witnesses.

Mr. BARTLETT of Georgia. Some members of the Committee on Accounts, and I think I can speak for them all, declined to pay certain bills that were presented, but of course it raised some friction between the Committee on Accounts and gentlemen who constitute the investigating committee. When we came to investigate the matter, however, we found that the resolution authorizing the creation of these committees authorized them to pay for such clerical services and other matters upon the certificate of the chairman of the committee of investigation, and that we had no authority except to refuse to approve these bills and then remit the party to a suit against the Government in the Court of Claims for the amount claimed.

Mr. TAWNEY. Mr. Chairman, I am informed by the Clerk of the House that there will be before the close of this session a very much larger deficiency—

Mr. BARTLETT of Georgia. I have no doubt about that.

Mr. TAWNEY. On account of the friar-land investigation which is going on and the bringing of so many people here from the Philippine Islands.

Mr. BARTLETT of Georgia. That is not the only investigating committee that is at work.

Mr. TAWNEY. I know.

Mr. MANN. What other investigations are going on?

Mr. TAWNEY. The investigation into the Indian contract question.

Mr. BARTLETT of Georgia. Yes; and another with reference to this ship subsidy business.

Mr. MANN. Mr. Chairman, I was at the head of a special committee for 10 months, and I will say to the gentleman from Minnesota that the bills for that work were a great deal less than they would have been if the House had fixed the compensation in advance.

Mr. BARTLETT of Georgia. And I want to say this in reply, that in all the investigation that was held by the committee, of which the gentleman from Illinois [Mr. MANN] was the chairman, there never was any criticism of the amount that he certified to the Committee on Accounts.

Mr. TAWNEY. That was because he was the chairman.

Mr. DAWSON. And may I add, also, that the amounts submitted by the gentleman from Illinois have served as a sort of model in the Committee on Accounts, and it has been the endeavor of that committee to hold the others down to a level with them?

Mr. MANN. I wanted to say that it is less than it would have been if the House had fixed the compensation in advance.

Mr. TAWNEY. That may be.

The Clerk read as follows:

PRINTING AND BINDING.

To enable the Public Printer to take over certain printing work done in the central office of the Weather Bureau there is hereby transferred from the appropriation of \$40,000 made for the maintenance of a printing office in the Weather Bureau at Washington for the fiscal year 1911 the sum of \$20,000, to be expended by the Public Printer for printing and binding for said bureau for the balance of the current fiscal year.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. What is the purpose of that paragraph?

Mr. TAWNEY. Mr. Chairman, I will say that the purpose of the paragraph is this: The Secretary of Agriculture some time ago transferred the printing office in the Agricultural Department to the Government Printing Office. That still left the printing office in the Weather Bureau, and the Secretary has requested the removal of the branch printing office in the Weather Bureau office over to the Government Printing Office. There are two reasons for it. One is to obtain the use of the space now occupied by the branch printing office in the Weather Bureau, and the other is the fact that the printing can be done at less cost in the Government Printing Office than in the Weather Bureau. Now, the balance of the allotment for the Weather Bureau for the remainder of this fiscal year will be transferred, so that the cost of the printing for the remainder of the fiscal year will be paid out of this appropriation; that is, the Government Printing Office will do the printing and will charge that printing, as it will be authorized to do, to this unexpended balance of that allotment.

Mr. MANN. Will this transfer of the printing from the Weather Bureau to the Government Printing Office in any way cripple the Weather Bureau service?

Mr. TAWNEY. Not in the least. The Chief of the Weather Bureau is very anxious that this be done. It is his desire, as well as the desire of the Secretary of Agriculture.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, my attention is called since this bill was reported to two judgments that have been certified to Congress, amounting to \$146,315.74, which is now drawing interest at 4 per cent. In order to stop the interest on that the amount ought to be inserted in this bill, and I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to offer the amendment which the Clerk will report.

The Clerk read as follows:

On page 6, after line 7, insert:

"Judgments, Court of Claims: For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1141, \$146,315.74: *Provided*, That none of said judgments shall be paid until the right of appeal shall have expired."

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I now move that the committee rise and report the bill to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 29495 and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote will be taken on the amendments en gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Pratt, one of its clerks, announced that the Senate had passed without amendment the bill of the following title:

H. R. 21331. An act for the purchase of land for widening Park Road, in the District of Columbia.

The message also announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 126. Joint resolution amending the act of June 25, 1910, making appropriation for the improvement of the Siuslaw River, Oreg.;

S. 2517. An act for the erection of a monument to the memory of Gen. William Campbell; and

S. 9439. An act to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910.

DEFENSE OF THE COUNTRY.

The SPEAKER. The Chair desires to make a statement connected with the orderly transaction of public business, and, without objection, the Chair will make the same. [After a pause.] The Chair hears no objection. At the last session of Congress the House agreed to the following resolution of inquiry.

The Clerk read as follows:

House resolution 707.

Resolved, That the Secretary of War be, and he is hereby, directed, if not incompatible with the public interest, to submit to this House, with the least practicable delay, a report showing in detail—

First. The condition of the military forces and defenses of the Nation, including the Organized Militia.

Second. The state of readiness of this country for defense in the event of war, with particular reference to its preparedness to repel invasion if attempted (a) on the Atlantic or Gulf coasts, or (b) on the Pacific coast.

Third. The additional forces, armaments, and equipments necessary, if any, to afford reasonable guaranty against successful invasion of United States territory in time of war.

The SPEAKER. In response to this resolution at this session the Secretary of War sent a communication to the Speaker for presentation, under the rule, to the House, with two inclosures, which inclosures were marked "Confidential," and the Chair sent the following letter to the Secretary of War, returning the inclosures and the communication for the following reasons. The Clerk will read the letter that the Speaker wrote when the communication was returned to the Secretary.

The Clerk read as follows:

SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 14, 1910.

SIR: I herewith return your communication of December 14, in order that you may consider it in the light of the condition which arises in the House of Representatives. You have marked a portion of it confidential.

Rule XXX of the House provides:

"SECRET SESSION.

"Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House."

Another rule of the House (Rule XLII) provides:

"EXECUTIVE COMMUNICATIONS.

"Estimates of appropriations and all other communications from the executive departments, intended for the consideration of any committee of the House, shall be addressed to the Speaker, and by him referred as provided by clause 2 of Rule XXIV."

And still another rule of the House (sec. 1 of Rule XLV) provides:

"PRINTING.

"1. All documents referred to committees or otherwise disposed of shall be printed unless otherwise specially ordered."

In view of the above rules it is practically impossible for the Speaker to treat this matter as "confidential," if it is to be brought to the attention of the House. I therefore respectfully return it to you.

This is done in view of the fact that your communication must be printed under the rules, and it is returned to you for such action as you may deem necessary, having in mind the language of the resolution as to the public welfare and in view of the fact that your communication can not be made confidential under our system without submitting it to a secret session, which would be a procedure unprecedented for nearly a century, and would probably result in at once bringing the matter into great publicity.

I am, with respect, etc.,
Yours, truly,

J. G. CANNON.

Hon. J. M. DICKINSON,
Secretary of War, Washington, D. C.

The SPEAKER. The Secretary of War has sent the following letter, which would hardly be intelligible as a document without the explanation. The Clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, December 17, 1910.

SIR: In reply to your letter of December 14, returning my report of this date on House resolution No. 707, I beg to say that all of the facts which it is deemed proper should at this time proceed from the Secretary of War and be made public appear in the reports of the Secretary of War already submitted to Congress and the reports accompanying them. Inasmuch as you have returned to me my reply of December 14, 1910, with the appendices thereto attached, marked "Confidential," with the advice that it is practically impossible for you to treat the matters therein contained as confidential, by direction of the President, I respectfully say that it is not compatible with the public interest for me at this time to make a report answering in detail the questions embodied in the resolution.

Very respectfully,

J. M. DICKINSON,
Secretary of War.

Hon. J. G. CANNON,
Speaker of the House of Representatives.

The SPEAKER. This communication from the Secretary of War, under the rules would be treated as a document and printed as such, and, if there be no objection, the letters and

resolution will be printed together as read (H. Doc. No. 1214), as they are needed to explain the last communication from the Secretary of War. [After a pause.] The Chair hears no objection.

EXECUTIVE, LEGISLATIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 29360, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

The Clerk read as follows:

DEPARTMENT OF STATE.

For Secretary of State, \$8,000; Assistant Secretary, \$5,000; Second and Third Assistant Secretaries, at \$4,500 each; chief clerk, \$3,000; 2 Assistant Solicitors of the Department of State, to be appointed by the Secretary of State, at \$3,000 each; law clerk, and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at \$2,500 and \$1,500, respectively; Chief of Bureau of Trade Relations, \$2,500; 2 chiefs of bureaus, at \$2,500 each; 5 chiefs of bureaus, at \$2,100 each; 2 translators, at \$2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, \$200; private secretary to the Secretary, \$2,500; clerk to the Secretary, \$1,800; 15 clerks of class 4; 15 clerks of class 3; 25 clerks of class 2; 41 clerks of class 1, 3 of whom shall be telegraph operators; 15 clerks, at \$1,000 each; 19 clerks, at \$900 each; chief messenger, \$1,000; 5 messengers; 22 assistant messengers; messenger boy, \$420; packer, \$720; 4 laborers, at \$600 each; telephone switchboard operator; assistant telephone switchboard operator; for emergency clerical services, to be expended by the Secretary of State in his discretion, \$2,000, or so much thereof as may be necessary; in all, \$256,400.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph. I desire to ask the chairman in charge of the bill about the language in line 12, page 43. I notice you have created a Chief of Bureau of Trade Relations, at a salary of \$2,500. That appears to be new.

Mr. GILLETT. It is not new. It is an increase in salary of \$400. Does the gentleman wish an explanation?

Mr. MACON. Yes, sir. I reserved a point of order on the paragraph for that purpose.

Mr. GILLETT. Mr. Chairman, that is not a new office, although it appears to be. The name is new, but the gentleman will see two or three lines further on:

Five chiefs of bureaus, at \$2,100 each.

There were six, but the number has been reduced to five, and one of them has been promoted at a salary of \$2,500. It was urged that the chief should have a salary of \$3,000, which is the same amount that is received by other officials under the \$100,000 appropriation, but the committee compromised by giving him \$2,500.

The gentleman knows, of course, that there has been a reorganization of the State Department, and a most admirable and efficient reorganization, I believe, and one of the main officials is this Chief of the Bureau of Trade Relations, who has charge of the various state official work and the new work which has been placed upon the State Department by Congress in the maximum and minimum tariff. It is a very laborious, very important, and certainly, so far, has been a very successful work. We were strongly urged, as I have said, to place this chief upon the same footing as the others, and give him \$3,000. But we gave him \$2,500, which I sincerely believe is not at all excessive, and I hope the gentleman will withdraw his point of order.

Mr. MANN. May I ask the gentleman what chiefs of bureaus of the State Department get \$3,000?

Mr. GILLETT. The gentleman will see by referring to the last line of page 44 that there are eight officers, four at \$4,500, and four at \$3,000. These are doing much the same work as this Chief of the Bureau of Trade Relations.

Mr. MANN. It may be true, and I do not know but that he ought to have his salary increased; but I should take it that it was inevitable that if you should increase the chief of one bureau in one department you will very soon increase the other chiefs of bureaus. You now have six chiefs of bureaus in the State Department, as I recall it, at a salary of \$2,100 each. Now, it is proposed to give one of them \$2,500 salary, and leave the other five at \$2,100.

Mr. GILLETT. This is more important than the others.

Mr. MANN. Undoubtedly, in the mind of the chief, it may be, but is it more important in the minds of the chiefs of the other bureaus?

Mr. GILLETT. There are six at \$2,500 and two at \$2,250.

Mr. MACON. In there now?

Mr. GILLETT. In the State Department?

Mr. MACON. Yes.

Mr. GILLETT. There are eight now. We do not increase the chiefs of bureaus; we simply take one receiving \$2,100, who was believed to have most important work, and give him \$2,500.

Mr. MACON. I apprehend that if his salary is increased to \$2,500 it will be easy sailing for the other seven to have theirs increased to that amount, for they would come in pleading injustice, and say they were discriminated against by the House.

Mr. GILLETT. There are two of them who receive \$2,250. There is no motion to increase the others. I believe this new organization of the State Department is a most admirable machine. They won my entire confidence.

Mr. MACON. Why do you jump a \$2,100 man over the \$2,250 men?

Mr. GILLETT. I do not know whether it is that particular man. It may be the one that receives \$2,250 or one that receives \$2,100 and is to receive \$2,500. That is possible, but we accepted the recommendation of the State Department, who pressed this very earnestly upon us. They asked for \$3,000, but we gave them only \$2,500. I seriously believe that it is thoroughly deserved and in the interest of good administration.

Mr. MACON. Mr. Chairman, I see that there are a great many increases throughout this bill, ranging from \$1,000 down to as low as \$100; and if we are going to allow them to be increased in this way, there will be a continual increase throughout the bill.

Mr. GILLETT. Well, I am glad the gentleman has made that suggestion—

Mr. MACON. For that reason I am constrained to insist upon the point of order.

Mr. GILLETT. Will you not wait a minute?

Mr. MACON. Certainly; I will wait until the gentleman finishes his statement.

Mr. GILLETT. I am glad the gentleman suggested that, because I will agree that if he is to insist, there are a number of increases subject to the point of order, which any one Member of the House has the right to make, and have them stricken out; but before that is done I wish to say to the gentleman, as I stated in the opening, this bill is presented by the administration with great reductions. It is a most economical bill, which appeals strongly to the committee, and, I believe, will also appeal strongly to the House if they study it. There are a great many more reductions than increases; but there are a few increases. Those increases go to places of great responsibility and of great usefulness. The House knows the Committee on Appropriations is not inclined to extravagance when they have any recommendation to make. The departments themselves this year have made the recommendations; then, we had their estimates before us; we criticized them; and I sincerely believe that all these recommendations which went through the criticism of the department, then the subcommittee, and then the full committee, ought to be granted. Of course it is possible for any Member of the House to strike them out; but I would suggest to Members of the House whether it is not better that one Member of the House should not raise points of order against all increases of this kind. What is the result? In the first place, when the administration is urgently tending to economy and it finds that there are some new places, the salaries of which are to be increased in the interest of efficiency and good administration, it is going to tend to disturb their zeal for economy if the House simply acts on all the reductions which they make and takes away all the places they say they can dispense with, but gives no attention at all to any suggested increase. As I say, that tends to disturb their relations to Congress and makes them feel less inclined to economy. There is another argument that ought to be considered. Any Member of the House can strike these increases out, yet experience shows that the department can go over to the Senate and the Senate committee considers their recommendations. The Senate committee base their actions strongly in favor of the recommendation of the House committee, and it generally involves the question of the House striking them out, and then have them put in by the Senate. By that action the House simply loses that much influence, and gradually the departments become accustomed, instead of coming to the House for appropriations, they simply go to the Senate. Now, it seems to me, instead of leaving it in this way for one Member to raise points in a wholesale manner, it would be wiser to submit it to the judgment of the House, and if the House wishes to strike them out, let them be stricken out, but then they will go right to the Senate to get the increases made.

Mr. MACON. In response to what the gentleman says, I should think he ought to try to get the rules changed to conform to his idea. That would be the most logical step for him to take, to have the rules changed, so that a Member could not make a point of order against legislation of this character.

Then he might complain if it was attempted to be done, but as long as it is proper under the rules I do not think any Member on this floor has a right to complain of another Member who sees fit to discharge his duty according to the lights before him under the rules of the House.

Mr. GILLETT. I am not complaining of the action of the gentleman.

Mr. MACON. Now, as to the economy which the gentleman preaches, I notice in this particular paragraph, where last year it carried an appropriation of \$255,800, now, after this great spell of economy has overtaken the departments or the administration, we find that this same paragraph carries an appropriation of \$256,400, an increase over last year. I do not understand economies of that kind. It seems that this increase of compensation has resulted in an increase instead of a reduction of the appropriation.

Mr. GILLETT. The gentleman is certainly well aware of the fact that the activities of the State Department have increased prodigiously, that they are increasing day by day, that the results they are accomplishing are also increasing, and that the efficiency of that department is, I believe, much greater than we have had in the past. Yet with all this increase of work there is such a very small increase of compensation that I think it shows economy and good administration. I am sure that the gentleman will recognize that as a result of the new tariff law and the new activities of the State Department our commercial relations with other countries have placed a far greater burden upon that department than ever before. I think that department is doing well that it does not ask an increase of force as well as of salary. This increase is very slight; and if I remember rightly, this is the only one in the whole department.

The CHAIRMAN. Does the gentleman from Arkansas insist on his point of order?

Mr. MACON. Mr. Chairman, thinking perhaps there will appear in the Senate some one who will at some time develop an economical streak and be able to make his influence felt in that body along the lines of retrenchment, I am going to allow it to take the responsibility of increasing this salary. I insist on my point of order.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard?

Mr. GILLETT. No; I concede the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. Now, Mr. Chairman, of course that item—Chief of Bureau of Trade Relations—goes out, so I move an amendment. I presume the gentleman will have no objection to the name—Chief of Bureau of Trade Relations.

Mr. MACON. I make no objection to the name.

Mr. GILLETT. So I move to strike out \$2,500 and insert instead thereof \$2,100, which is the amount in the current law.

Mr. MANN. The whole item has been stricken out, unless the same is reinserted by unanimous consent.

Mr. MACON. I have no objection to the name. My point of order applies only to the amount of increase of salary.

The CHAIRMAN. If there be no objection, that will be understood, and the Clerk will report the amendment.

The Clerk read as follows:

In line 13, strike out "five" and insert "one."

The amendment was agreed to.

The Clerk read as follows:

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of wagons, carriages, and harness, rent of stable, telegraph and electrical apparatus and repairs to the same, and other items not included in the foregoing, \$8,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I should like to inquire about this item. How many of these horses are there?

Mr. GILLETT. I can not tell the gentleman. I have not looked into that question.

Mr. CULLOP. How many carriages?

Mr. GILLETT. This is the same item that has been carried year by year, and we put it in without making any investigation.

Mr. CULLOP. It was stated last year by a member of the Committee on Expenditures in the State Department that there were four of these horses and two rigs. It seems to me it is rather expensive to maintain horses at \$2,000 per head per year. If farmers were to pay that amount per head to maintain the horses with which they cultivate their farms, it would soon exhaust their resources and leave them with neither horses nor farms.

Mr. MANN. This includes miscellaneous expenses.

Mr. CULLOP. I know; but there ought not to be that amount of miscellaneous expenses in keeping four horses. I am always suspicious of appropriations for miscellaneous purposes.

Mr. GILLETT. But this is not simply an item of miscellaneous expenses for that purpose, but for other purposes.

Mr. CULLOP. I move to strike out the word "eight," in line 14, and to insert the word "two." I believe that is amply sufficient for this purpose.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the gentleman from Indiana moves an amendment, which the Clerk will report.

The Clerk read as follows:

Line 14, strike out "eight" and insert "two," so as to read "\$2,000."

Mr. CULLOP. It seems to me that \$2,000 will be amply sufficient for the purposes for which this is appropriated, and if the department is unable to get along on that amount it can come back next year to be reimbursed. I think we ought to let them try it at least one year on that basis. If this is a reform Congress in fact, and not in name, let it begin to retrench on such items as we have here. Let the reform be real and not merely pretentious. In such excessive appropriations for such trivial service we find the grossest abuses, which should be stopped, and the country will approve the work and the public service will be improved.

Mr. MANN. Has the gentleman had his attention called to the fact that this item covers more than the cost of maintenance of horses and carriages, that it is for miscellaneous items, including the care and subsistence of horses? For instance, last year in this bill there was an item for miscellaneous expenses, including the cost and maintenance of an automobile for the Speaker, \$75,000. A motion was made to strike out the automobile for the Speaker and reduce the amount of the appropriation to \$25,000. The first part of the motion prevailed; I do not remember as to the latter; but the amount was reduced in the House.

Mr. CULLOP. If the gentleman will get the bill for last year he will see that the language for this same item is practically the same and that automobiles do not enter into it.

Mr. MANN. I know they do not. If the gentleman will pardon me, I was calling his attention to the question of miscellaneous items. We struck out the automobile for the Speaker under miscellaneous items in the House, and we have just passed in the urgent deficiency bill this morning an appropriation of \$5,000 additional. None of that has anything to do with automobiles.

Mr. FOSTER of Illinois. It is possible that a good many of the expenses paid out of the contingent fund for exorbitant expenses would not have been incurred if they had come from committees like the one presided over by the gentleman from Illinois.

Mr. MANN. It may be; but those investigating committees were started by that side of the House. I am not complaining, however, about it. But I was calling the gentleman's attention to the fact that this is for miscellaneous expenses. I dare say that the State Department is doing very well in only having \$8,000 for that purpose.

Mr. CULLOP. During last year, when considering this item, the hearings, I think, disclosed, as stated by a member of that committee at the time, that there was no need for as much being expended as is for this purpose, and that it ought to be reduced, and we were then charged, when this identical item was up, with "cheese paring." I think the sum is too large for the purpose for which this appropriation is made, and that it ought to be reduced. It is extravagant and unjustifiable. Every person knows, or should know, that it is out of all reason, and deserves criticism on the administration of this department. The truth is, it is indefensible and should be reduced, and I hope the amendment will be adopted.

Mr. GILLETT. Just a word; I do not think it is too large or unreasonable or unjust. I think the gentleman fails to appreciate why this language, which he seems to think is the main item of the paragraph, is inserted. There is a law which forbids the purchase of horses out of any general appropriation, unless it is specifically named. Therefore they could not go in under the words "miscellaneous expenses," and so it is specifically mentioned. But that does not mean that it is the main item of the bill; it is miscellaneous expenses paragraph. It has been this same language many years, and I do not think it is extravagant. I remember that we wasted a great deal of time last year over the cost of shoeing of the horses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair being in doubt, the committee divided and there were—13 ayes and 19 noes.

So the amendment was lost.

The Clerk read as follows:

Office of chief clerk and superintendent: Assistant and chief clerk, including \$300 as superintendent of Treasury building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the assistant secretaries of the department, \$4,000; assistant superintendent of Treasury building, \$2,500; 4 clerks of class 4 (1 transferred to Supervising Architect's office); clerk of class 3 (3 transferred to Supervising Architect's office); 2 clerks of class 2 (1 transferred to Supervising Architect's office); 2 clerks of class 1; clerk, \$1,000; clerk, \$900; 2 messengers; 3 assistant messengers; 1 messenger boy, \$360; storekeeper, \$1,200; telegraph operator, \$1,200; telephone operator and assistant telegraph operator, \$1,200; chief engineer, \$1,400; 3 assistant engineers, at \$1,000 each; 8 elevator conductors, at \$720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 3 firemen; 5 firemen, at \$660 each; coal passer, \$500; locksmith and electrician, \$1,400; captain of the watch, \$1,400; 2 lieutenants of the watch, at \$900 each; 66 watchmen; foreman of laborers, \$1,000; 2 skilled laborers, at \$840 each; 2 skilled laborers, at \$720 each; wireman, \$1,000; wireman, \$900; 34 laborers; 10 laborers, at \$500 each; plumber, \$1,100; painter, \$1,100; 91 charwomen (including 16 transferred from Treasurer's office); 4 cabinetmakers, at \$1,000 each; cabinetmaker, \$720. For the Winder Building: Engineer, \$1,000; 3 firemen; conductor of elevator, \$720; 4 watchmen; 3 laborers, one of whom, when necessary, shall assist and relieve the conductor of elevator; laborer, \$480; and 8 charwomen. For the Cox Building, 1709 New York Avenue: Three watchmen-firemen, at \$720 each; and 1 laborer; in all, \$174,620.

Mr. MACON. Mr. Chairman, I make a point of order against the increase of salary, in line 14, page 47. The salary has been increased from \$3,000 to \$4,000.

Mr. GILLETT. Mr. Chairman, I have made the suggestion before, so I presume it will have no effect, but at the same time this is in the Treasury Department, and it ought to appeal to the House with greater force than anywhere else, for in this department they have reduced the force by economy and organization 100 men. This year they have made a still further reduction of over 200 in the force and save \$250,000 in that department, and a part of their reorganization is establishing a chief clerk with new duties, making him executive officer of the department. As I said before, it is not an encouragement certainly to the department to be energetic and economical in reorganization, making reductions, and then have the House accept all the reductions and refuse the other recommendations. I should be very glad if the gentleman will withdraw the point of order, but of course he has the right to insist on it.

Mr. MACON. Mr. Chairman, I feel constrained to make the point of order because these increases continue throughout the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. The gentleman makes the point of order only to the increased amount?

Mr. MACON. The increase, that is all.

Mr. GILLETT. Then I move as an amendment that the amount be restored to \$3,000.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Insert in line 14, page 47, the words "three thousand."

The amendment was agreed to.

The Clerk read as follows:

Division of Customs: Chief of division, \$4,000; assistant chief of division, \$3,000; 7 law clerks, 5 at \$2,500 each and 2 at \$2,000 each; 3 clerks of class 4; 2 clerks of class 3; 1 clerk of class 2; 5 clerks of class 1; 5 clerks at \$1,000 each; messenger; assistant messenger; in all \$46,060.

Mr. MACON. Mr. Chairman, in line 21, page 49, I find an increase of salary, "5 at \$2,500 each." Last year the salary was \$2,000.

Mr. GILLETT. It is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. I move to amend by inserting in line 21, in place of the words "two thousand five hundred dollars," the words "two thousand dollars."

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PRAY having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Office of disbursing clerk: Disbursing clerk, \$3,000; deputy disbursing clerk, \$2,750; 2 clerks of class 4; 1 clerk of class 3; 1 clerk of class 2; 1 clerk of class 1; clerk, \$1,000; messenger; in all, \$15,390.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I see the item authorizing the deputy disbursing clerk to sign checks is not in the bill this year as it was last year.

Mr. GILLETT. That was held to be permanent law and so unnecessary to be continued.

Mr. MANN. Who held it to be permanent law?

Mr. GILLETT. The comptroller, I think.

Mr. MANN. Well, we would like to have that ruling, because if that ruling is consistent with other rulings made it would make a wide difference from the rulings that we have had heretofore.

Mr. GILLETT. Either the comptroller or the solicitor of the department.

Mr. MANN. The solicitor, I suppose, might make any kind of a ruling, but the item last year was:

The deputy disbursing clerk herein provided shall have authority to sign checks.

That is very plain, that that is only for the current year.

Mr. GILLETT. They interpret it that that meant not the person therein provided for, but the official.

Mr. MANN. Well, it does not purport to be permanent law, and under all of the rulings it would not be. But this is less strong than the ordinary item in an appropriation bill, because it only says:

Deputy disbursing clerk herein provided for.

We might leave it out of this appropriation bill.

Mr. GILLETT. The Assistant Secretary before us said:

The paragraph having reference to the deputy disbursing clerk was omitted after consultation with the solicitor of the Treasury Department, who considered it unnecessary to have it repeated in this bill.

Now, Mr. Chairman, I did not look it up to see what the language was last year. I accepted their statement for it.

Mr. MANN. When it comes before the comptroller, as it will in the course of time, somebody will hurry up here with an amendment to validate a lot of checks.

Mr. GILLETT. Will the gentleman please read the item as it was last year?

Mr. MANN. It is as follows:

The deputy disbursing clerk herein provided for shall have authority to sign checks in the name of the disbursing clerk; he shall give bond to the disbursing clerk in such sum as the said disbursing clerk may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed herein shall be made to cover and apply to the acts of the deputy disbursing clerk.

Mr. GILLETT. It is open to each construction. I will agree with the gentleman that it is pretty close.

Mr. MANN. If the comptroller holds that it is permanent law he will reverse all the holdings he has made on the subject of items in an appropriation bill for 20 years.

Mr. GILLETT. They made the recommendation to us and they said that was all they wished, and we took their statements, and I guess we will leave them the responsibility.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Office of the Supervising Architect: Supervising Architect, \$5,000; executive officer, \$3,250; superintendent of drafting and constructing division, \$3,000; superintendent of computing division, \$2,750; chief of law and records division, \$2,750; chief of accounts division, \$2,500; chief of inspection division, \$2,500; chief of division of equipment, \$2,500; chief mechanical and electrical engineer, \$2,750; inspector of furniture and other furnishings, \$2,500; assistant inspector of furniture and other furnishings, \$1,600; 6 clerks of class 4; 6 clerks of class 3; 4 clerks of class 2; 1 clerk of class 1; contract clerk, \$2,000; foreman duplicating gallery, \$1,800; 4 technical clerks, who shall also be skilled stenographers and typewriters, at \$1,800 each; 4 inspectors, at \$2,190 each; inspector, \$1,800; 5 messengers; assistant messenger; 1 laborer; for the following force transferred from the office of chief clerk and superintendent: Inspector of electric-light plants, gas, and fixtures for all public buildings under the control of the Treasury Department, \$2,250; assistant inspector of electric-light plants and draftsman, \$1,800; 1 clerk of class 4; additional to 1 clerk of class 4 as bookkeeper, \$100; 3 clerks of class 3; 1 clerk of class 2; in all, \$97,590.

Mr. WEBB. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Massachusetts if this division has asked for an increase in salaries or an increase in the number of the board.

Mr. GILLETT. They have asked for some increases of salaries, which we did not allow.

Mr. WEBB. The reason I ask the question, Mr. Chairman, is I understand this department is something like two years behind in the construction of public buildings, and I wanted to know if the gentleman from Massachusetts could give me the answer why it is, and why it stays two years behind in carrying out the authorizations in the public-buildings bill.

Mr. GILLETT. Oh, those are not provided for in this bill; those are provided for in the sundry civil bill.

Mr. WEBB. The gentleman does not quite catch my point, Mr. Chairman, I think. I understand that one reason why the buildings and sites authorized to be purchased in the last public-buildings bill were not estimated for is because the Supervising Architect's department is so far behind in carrying out the authorizations of the bill of 1908.

Mr. GILLETT. Well, my answer covers that. The Supervising Architect has a lump sum of \$800,000, I think it is, which is given in the sundry civil bill, not in this bill, for that purpose, and if it is not enough an increase should be made upon that bill. This bill provides for the ordinary executive staff.

Mr. WEBB. I understand; but the point I am making or trying to find out is whether or not they have sufficient force in that department to build these buildings as rapidly as they ought to be built, and whether or not we are going to be compelled to stay two years behind on the items carried in a public-buildings bill.

Mr. GILLETT. But I tell the gentleman that force is employed under another appropriation. We have nothing to do with it, and it is not under this bill. He employs that force, and it is done simply out of this lump sum appropriation which comes under the sundry civil bill, and this bill provides for the ordinary office force.

Mr. WEBB. Can the gentleman tell me whether or not it is the policy of the administration or the Committee on Appropriations to keep this department always two years behind in the construction of buildings and the purchase of sites? I think the country would like to know, and I know that I would like to know.

Mr. GILLETT. That question will come up when the sundry civil bill comes in, and what the policy of the committee will then be I can not assure the gentleman.

Mr. TAWNEY. If the gentleman from Massachusetts will allow me to interrupt for a moment, I think I can answer the gentleman.

Mr. WEBB. I hope the gentleman can.

Mr. TAWNEY. The policy of the Government has been to authorize an annual expenditure for a force that is necessary to do the work of that office. Now, the gentleman from North Carolina speaks about the Supervising Architect's office being two years behind. That bureau is not behind. The gentleman understands very well that the work in the Supervising Architect's office does not come into that office as the work of an ordinary architect does from day to day, but it is all dumped on him at one time. Now, in making annual appropriations providing for a permanent force we have provided for getting this work out as rapidly as can be done, and done well. The department is not two years behind. It will take two years to complete the plans and specifications which were authorized at one time. It would not be economy or good administration if a public buildings act should pass to provide a sufficient force in the Treasury Department to get that work out in the next six months, because when that work is done the organization will be disbanded, and then when another public buildings bill was enacted you would have to get together a new organization again. This is in the interest of economy as well as in the interest of administration, and they are furnishing plans and specifications now more rapidly than they have ever done in the history of the Treasury Department.

Mr. WEBB. I am very glad to have the chairman of the Committee on Appropriations enlighten me in regard to that matter, but I want to suggest this point. The Office of the Supervising Architect, I understand, has now on hand 75 buildings or more that have been authorized under the appropriation bill of 1908.

Mr. TAWNEY. Yes.

Mr. WEBB. That is why I say they are two years behind. Now, does that condition come from our policy of not giving them a sufficient force or is it the policy—

Mr. TAWNEY. It is the policy to continue a permanent organization and have that organization at its very maximum as long as there is any work to do.

Mr. WEBB. Well, has that been the reason why there are no estimates made for buildings authorized in the last public-buildings bill?

Mr. TAWNEY. No; I do not think it is. I do not know why the estimates were not made, but I will say to the gentleman from North Carolina [Mr. WEBB] and to other Members of the House that on Monday next I intend to offer a resolution calling on the Secretary of the Treasury to submit, in addition to those already submitted, estimates under the authorization passed at the last session of Congress of the amount that can be expended in the next fiscal year.

Mr. WEBB. I hope the gentleman will do that.

Mr. TAWNEY. I shall have no opportunity to do it unless I do it on Monday.

Mr. GARNER of Texas. Where does the gentleman get his authority for stating that they are now turning out plans and specifications more rapidly than they ever have before?

Mr. TAWNEY. There are two. One is the statement of the Supervising Architect himself, and the other is the fact

disclosed to the Committee on Appropriations in the consideration of estimates in the sundry civil appropriation bill. The record shows that they are preparing plans and specifications more rapidly now than ever before in the history of that organization.

Mr. GARNER of Texas. Did the Supervising Architect, in the hearing before the committee, state that he was turning them out more rapidly than before?

Mr. TAWNEY. He did a year ago. He has the same force now that he had then, and we provided for it in the annual appropriation. Heretofore the cost of preparing plans and specifications for public buildings was taken out of the appropriation for the buildings. It amounted to about 10 per cent. Not only the cost of preparing plans and specifications, but also the cost of supervision and the cost of disbursing the money, all came out of the appropriation. That policy has been changed. We changed it two years ago. Now every dollar that is appropriated for a public building is expended in the construction of that building. The cost of preparing plans and specifications, supervision, and cost of disbursements comes out of the annual appropriation which we carry in the legislative act.

Mr. GARNER of Texas. Then, if it should develop that the Supervising Architect was turning out some 15 buildings a month a year ago and is only turning out about 10 a month now, with the same force, what would be your conclusion?

Mr. TAWNEY. I would have to know whether the character of the buildings being turned out now was the same, as to size and specifications, as the buildings were when he was turning them out at the rate of 15 a month.

Mr. GARNER of Texas. Could it not possibly be a policy of the administration to retard the construction of these buildings to a certain extent, and to a greater extent than they did a year ago?

Mr. TAWNEY. Possibly, yes; but hardly probable.

Mr. MANN. Mr. Chairman, I would like to submit an observation on this proposition, which arises evidently because there were no estimates this year for the public buildings authorized by the bill last winter. I am going to invite the attention of the committee, and particularly the attention of the gentleman from Iowa [Mr. SMITH], who has just come in, to the situation.

It was suggested a moment ago that the Supervising Architect had made no estimate this year for the new buildings. I do not know by what warrant that was made, and I do not know whether the Supervising Architect asked for any money for the new buildings, but I will bet my head against a hat that he did.

Mr. WEBB. If the gentleman is referring to my statement, I want to agree with him.

Mr. TAWNEY. I said that the Supervising Architect did not submit an estimate, but they were submitted by the Secretary of the Treasury.

Mr. MANN. I am willing to bet my head against a hat that he did.

Mr. GARNER of Texas. And you will win your hat.

Mr. TAWNEY. The gentleman from Illinois [Mr. MANN] may have been looking over some of the papers of the Committee on Appropriations.

Mr. MANN. I have not, but I have some idea of human nature. What is the situation? A few years ago Congress passed what was known as the Smith amendment, which required the President to examine the estimates of appropriations each year before being submitted to Congress, and if he found the amount of money asked for exceeded the estimated revenue he must recommend methods to Congress of increased taxation to meet the additional expenditure.

Up to that time it had been the policy of the department to estimate for appropriations which they thought could be profitably expended, leaving it to Congress to determine what appropriations should be made within the estimate referred to it. We threw away that opportunity and put the burden upon the President; and of course no President, under ordinary circumstances, having estimates submitted to Congress, is going to recommend additional taxation. So what did they do? They did what you and I would do, as any man with gray matter would do; they cut out of the estimates some of the things which the country can get along without, but which Members of Congress urgently wish for. Those things will be reinstated if Congress wants them.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. TAWNEY. Were the estimates for public buildings submitted by the Supervising Architect cut out of the estimates submitted by the Secretary of the Treasury, so as to bring the actual estimates below the appropriations for the current fiscal

year, or were they cut out to bring the estimates within the estimated revenues?

Mr. MANN. Well, I do not know as to whether they were cut out of the estimates or not, and if so, why they were cut out; but under this law which Congress passed, if these items had been included in the estimates of appropriation, the President would have been required to recommend to Congress methods of increased taxation or else borrow the money, and no President would want to do that.

Mr. TAWNEY. That is so, provided the estimates exceeded the estimated revenues, but not if the estimates for public buildings would have merely increased the total estimates beyond the appropriations for the current year.

Mr. MANN. There were a number of other items left out in the same manner. Congress has it in its power to reinsert these items, which, by the way, are not subject to the point of order. We ought not to complain because the executive departments, following a mandatory law of Congress, have used ordinary common sense. We have the power to do it, if we want to.

Mr. CARLIN. Would it be proper to do it in the pending bill?

Mr. MANN. No, not on this bill; but when the sundry civil bill is reached it is in order for any Member on the floor to rise and offer an amendment covering all of these items, if he wishes to, or one of them, if he wishes to. But I suppose long before that time has been reached there will have been asked for and sent to Congress estimates not covered by the Smith amendment to the law of the amounts that they could profitably expend during the next fiscal year. I do not think there is anyone who needs to worry for fear he will not get an appropriation for a public building in his district if there is any occasion for it under the law of last year.

Mr. SMITH of Iowa. Mr. Chairman, the gentleman from Illinois has seen fit to criticize the provision enacted by Congress—

Mr. MANN. I beg the gentleman's pardon. I did not criticize the provision, but stated the situation.

Mr. SMITH of Iowa. Well, he has, in my judgment, criticized the provision. But I waive the difference of opinion concerning what constitutes criticism. The President of the United States is head of all the executive departments. By a provision enacted by Congress we did not direct the rejection of any estimates. We simply provided that if the President of the United States allowed his subordinates to estimate for more money than all the revenues that he tell Congress where he expected to get the money. That law, in my judgment, was then and is now a wise one. It ought to have been enacted, it was enacted, and has been one of the chief instrumentalities by which we have brought about a great effort at economy on the part of this administration. Now, it is true that if a department wants to be guilty of such culpable conduct, it can send in estimates for things unnecessary and leave out estimates for those things which Congressmen regard as necessary, and thus shirk its responsibility. But I repudiate any insinuation that the administration has done that.

What are the facts as they will ultimately develop? I want to say that there is an authorization in the last public-buildings bill for a building in the district which I represent to cost \$75,000, and I am not without my interest in the matter that is here talked about.

But at the time that bill passed it was announced, without complaint, that the work previously authorized by the Supervising Architect's office would consume 20 months of time, and that if we got new authorizations, no work could be done upon the plans of these new buildings for the period of 20 months.

Mr. CARLIN. How does that apply in the case of a site?

Mr. SMITH of Iowa. I am coming to that. I procured the authorization for the building in my own district with the full knowledge of the fact that the plans could not be commenced inside of 20 months, and fully prepared therefore not to urge a useless and senseless appropriation of money to erect a building the plans for which could not be started on for 20 months.

Mr. WEBB. May I ask the gentleman a question right there?

Mr. SMITH of Iowa. Certainly.

Mr. WEBB. That brings up the question I originally asked of the Appropriations Committee: If it takes 20 months to prepare these plans, where does the fault lie? Have we failed to give Mr. Taylor a sufficient force?

Mr. SMITH of Iowa. I would not say there was any fault lying anywhere. I would say that if Congress during a brief period authorized an unusual number of buildings, it would not necessarily be wise to enlarge the force of the Supervising Architect, when we all know how much easier it is to enlarge a force than to contract it again, but that it would be better, perhaps, to endure some little delay until the work could be accomplished by the existing force.

I do not suppose that we are to have every year or two as large an authorization for public buildings as we have had in the recent past, and in my judgment it will be folly to enlarge the Supervising Architect's office force to do all this work within a single year, for instance. It is true this work is 20 months behind, but that 20 months can be utilized, as suggested, in the purchase of sites and passing upon the title, and the Supervising Architect is not in a position to draw plans until the title to the site actually vests in the Government, because the character of the building, its shape and its dimensions, depend in large measure upon the site for the building.

Mr. CARLIN. What is there to prevent the Supervising Architect or the Secretary of the Treasury from furnishing Congress with the estimated amount necessary to purchase the sites which were authorized?

Mr. SMITH of Iowa. If the gentleman would not quite so frequently interrupt me, I am trying to answer him.

Mr. CARLIN. I do not seem to catch the point of the gentleman's answer.

[The time of Mr. SMITH of Iowa having expired, by unanimous consent it was extended five minutes.]

Mr. SMITH of Iowa. Now, it is probable that a small amount for sites might be wisely appropriated at this session of Congress. In my judgment the appropriation of a dollar for buildings would be simply a silly performance, to swell the appropriations of this year. I am willing, as far as I am concerned, to put into a bill enough to buy the necessary sites for these buildings.

Mr. CARLIN. That is what we want.

Mr. SMITH of Iowa. But I am not willing to concede that because these items do not chance to be estimated for, we should go back to the old system under which subordinates of the President in the executive departments came to Congress, each clamoring for all the money that he wanted, the sums aggregating far more than the revenues, and leave this body to determine where to cut in order to bring the expenditures within the revenues or else incur a gigantic deficit. I believe the legislation in question has been beneficent in its influence; that it has saved the people of the United States \$50,000,000 in a year, and that it is destined to do as well through all the years of its existence on the statute books.

Mr. CARLIN. Does the gentleman consider that he has answered my question now?

Mr. SMITH of Iowa. I think I have.

Mr. CARLIN. I do not think so.

Mr. SMITH of Iowa. Then, the gentleman will have to answer it for himself, for I have answered it the best I know how.

Mr. CARLIN. Are we to have estimates furnished to Congress and an effort made to appropriate for the purchase of sites?

Mr. SMITH of Iowa. I can not control estimates made to Congress, and therefore I can not assure the gentleman whether an estimate will be made for his particular building or not.

Mr. CARLIN. I have no building in view, but I have a site in view. It is provided for—

Mr. SMITH of Iowa. The gentleman has a site in view.

Mr. CARLIN. Why can not an estimate be furnished for that, because it does not take 20 months to examine it?

Mr. SMITH of Iowa. Congress does not furnish estimates; the gentleman is not in the right place.

Mr. CARLIN. The Secretary of the Treasury furnishes the estimates, but Congress, which passes the appropriation, will not appropriate for it because you have not received the estimates.

Mr. SMITH of Iowa. The committee has never had the bill under consideration.

Mr. CARLIN. The chairman of the committee has said that the items have not been furnished, and he would not appropriate for them unless the estimates were first furnished.

Mr. SMITH of Iowa. I presume that the chairman of the committee expressed his personal opinion. I know that the hearing has not commenced on the bill in question and that no action has been taken.

Mr. CARLIN. He said that no estimates had been furnished the committee by the Secretary of the Treasury.

Mr. SMITH of Iowa. I think that is true.

Mr. CARLIN. And that is the reason for the 20 months' delay. Can the gentleman tell why we do not receive these estimates?

Mr. SMITH of Iowa. I can not.

Mr. CARLIN. That answers my question; the gentleman does not know.

Mr. MACON. I move to strike out the last two words, to get some information from the gentleman from Iowa on this subject. Members who secured authorizations for public buildings

six months ago seem to be unduly anxious about their being appropriated for now. In view of the fact that many of us who secured authorizations two and a half years ago have never yet had them appropriated for, it seems that we are the ones that should be anxious. Now, I would like to know from the gentleman from Iowa if it is the purpose of the committee to appropriate anything for the buildings authorized two and a half years ago.

Mr. SMITH of Iowa. Least of all do I claim any authority to express the purpose of the Committee on Appropriations. I will say, speaking for myself, that I am in favor of appropriating money for authorized public buildings as rapidly as it can be used with economy in the construction of the authorized buildings.

Mr. MACON. The gentleman in his remarks a few moments ago indicated that the buildings authorized last summer would be taken up in about 20 months.

Mr. SMITH of Iowa. The gentleman is in error.

Mr. MACON. The buildings I am complaining about were authorized two and a half years ago.

Mr. SMITH of Iowa. I did suggest that the commencement of the work on the plans of the buildings authorized about six months ago would, as I then understood, be commenced in about 20 months from the passage of that bill. Whether subsequent experience will show that the time will be longer or shorter I do not know.

Mr. AUSTIN. Mr. Chairman, I think I can answer the question of the gentleman from Arkansas. His building will be included in the estimates provided the plans are prepared by the Supervising Architect. If they are not prepared they will not be included in the estimate.

Mr. MACON. But these are for buildings that were authorized over two years ago.

Mr. AUSTIN. Yes; but unless the Supervising Architect certifies that he will have the plans ready, they will not be included in the estimates.

Mr. CARLIN. The gentleman seems to speak with some knowledge. Can he tell us what will be the case about the sites that do not require plans and are 20 or 24 months behind?

Mr. AUSTIN. I believe that matter was up for consideration in the Treasury Department this morning. What we ought to do is to increase the force in the Supervising Architect's office so that he can turn out or prepare 25 plans per month instead of only 10 per month. At present he is three years and four months behind in the preparation of plans authorized by the various public building bills that have passed Congress.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will permit me to suggest, instead of doing that, when we have brought in an increase for clerks here to provide for proper officials in the architect's office or for increasing the salary, gentlemen sit here and make points of order, and in that way the Supervising Architect has got, as they say, three years behind.

Mr. AUSTIN. The present force in the Supervising Architect's office was sufficiently large until Congress increased the number of public buildings. The number of buildings has been virtually doubled, while the force in the Supervising Architect's office has remained about the same. The number of propositions in the last three bills are about twice as many as the number contained in previous bills. The present Supervising Architect is one of, if not the best, we have ever had, and if Congress will furnish him the necessary funds—an increased and adequate force—plans will be provided, and proposed or authorized buildings will not only be included in the estimates, but will soon be in the course of construction. If we want these buildings included in the Treasury estimates we must increase the force in the Supervising Architect's office. We can double this force in this bill, or in the sundry civil bill.

Mr. MACON. Mr. Chairman, in regard to what has been said about points of order, I desire to state that if they had provided for additional clerks in this department no point of order could have been made against it. It is only where they have attempted to increase the salaries that points of order will lie. Therefore, in reply to what the gentleman from Georgia [Mr. LIVINGSTON] says, I will state that if they had put in a dozen extra officials or clerks in this very branch of the department nobody could have made a point of order against them, because the committee is authorized under existing law to provide in an appropriation bill for additional employees for any of the departments within the city of Washington.

Mr. LIVINGSTON. The question the gentleman has usually propounded is this: "Is this new? Yes. Then I make the point of order."

Mr. MACON. That is where there is an increase.

Mr. LIVINGSTON. Well, that is an increase in the clerks.

Mr. MACON. That is an increase in the number of clerks. You can not make a point of order against that. Many of them are provided for in the various appropriation bills without points of order being made against them.

Mr. LIVINGSTON. I am very glad to know the gentleman takes that position.

Mr. MACON. Mr. Chairman, it strikes me that the work in the architect's office ought to be a little nearer up than it is. Of course I claim no knowledge about his work or anything of the kind; he may be doing his very best, but some steps ought to be taken whereby an authorization for a public building would not be required to wait as long as two years and a half before any attention is paid to it whatever.

Mr. CANDLER. They prepare plans at the rate of about 10 a month, and that is the best that they can do.

Mr. CAMPBELL. The gentleman from Arkansas [Mr. MACON] is fortunate if after two years and a half some progress has been made on a building in his district.

Mr. MACON. But they are not making any.

Mr. CAMPBELL. Some six years ago I secured an authorization for a building, and at once went to the Committee on Appropriations and had an appropriation made. It will be six months, at least, before the building is completed, making in all about seven years.

Mr. GILLET. How soon did they provide a site?

Mr. CAMPBELL. In about 15 months. We have had the site for several years. I had some authorizations secured two years and a half ago—

Mr. MANN. I suppose they do not need the building now.

Mr. CAMPBELL. They have been needing it for five or six years.

Mr. SMITH of Iowa. They did need it then; but do they now? [Laughter.]

Mr. CAMPBELL. Oh, we have got used to transacting the postal affairs of our town in a store building. Some two years and a half ago I had some other authorizations, and I think one of the plans has been completed. It seems to me that the force employed in the Supervising Architect's office could do more work if they had to do it. There is a large force employed there, and there is absolutely no apology, so architects tell me, for putting 100 men to work on plans and getting only 10 plans out a month. Good architects tell me that two men ought to get out a set of plans in 30 days, and I believe they can do it.

Mr. SHACKLEFORD. I will ask the gentleman a question. Are not those buildings all over the country, where a certain amount of appropriation has been made for them, practically duplicates of each other?

Mr. CAMPBELL. I think so, in the main.

Mr. SHACKLEFORD. I will ask the gentleman another question. Does he not think that the delay down there now is to avoid the necessity of making appropriations at this session of Congress in order that you may make a record?

Mr. CAMPBELL. Oh, no; I do not think that at all, because, to my personal knowledge, the delay has been going on for six years. The gentleman from Missouri can not put me in that attitude. The delay has been going on for years, and it was more exasperating to me five years ago than it is now. I am used to it.

Mr. SHACKLEFORD. Does the gentleman not think that the necessity of making a good showing for economy causes them to pass over some appropriations at this session, so that they may be made at the next Congress?

Mr. CAMPBELL. Oh, not at all. The gentleman from Missouri knows, as everybody else knows, there will be enough charged up to that side of the House a year and one-half from now, without saying anything about deferred appropriations for public buildings.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read. There was no objection.

The Clerk read as follows:

Office of Auditor for Post-Office Department: Auditor, \$5,000; assistant and chief clerk, \$3,000; law clerk, \$3,000; expert accountant, \$2,750; 4 chiefs of division, at \$2,250 each; 4 assistant chiefs of division, at \$2,000 each; 4 principal bookkeepers, at \$2,000 each; 35 clerks of class 4; 69 clerks of class 3; 82 clerks of class 2; 107 clerks of class 1; 53 clerks, at \$1,000 each; 2 skilled laborers, at \$1,000 each; 55 clerks, at \$900 each; 15 money-order assorters, at \$840 each; 25 money-order assorters, at \$780 each; 84 money-order assorters, at \$720 each; 59 money-order assorters, at \$660 each; 2 female laborers, at \$660 each; 2 messengers; 6 skilled laborers, at \$840 each; 3 assistant messengers; 8 skilled laborers, at \$720 each; 4 messenger boys, at \$480 each; 5 messenger boys, at \$360 each; 12 male laborers, at \$660 each; forewoman, \$480; and 21 charwomen; in all, \$729,490.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word.

Mr. MACON. Mr. Chairman, I desire to reserve some points of order.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas.

Mr. MACON. Mr. Chairman, I reserve a point of order against the increases of salaries beginning with line 2, on page 57, auditor, \$5,000. The present salary is \$4,000. Assistant and chief clerk, \$3,000. The present salary is \$2,000. Law clerk, \$3,000. The present salary is \$2,500. And in line 4 there is an increase from \$2,250 to \$2,750 for the expert accountant. In line 5, four chiefs of divisions, at \$2,250 each. Their present salary is \$2,000 each. I make the point of order against these increases in salaries beginning in line 2 and running down to and including part of line 6.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. GILLETTE. I do. The point of order undoubtedly lies against all of these increases, and I will simply explain the purpose of the committee in making this recommendation. The office of the Auditor for the Post Office Department is the largest by far of all the departments. He audits about \$250,000,000 a year, and he has, I think, about as large a force under him as all the others together and very much more business than any of them. Now, it is also true that it is in this bureau that there has been the greatest reduction, both last year and this year. For instance, last year in this one division he dropped 58 employees in the economies which were begun then. This year again he dropped 54 more, and it is in place of those that the increases have been made. Now, to take the first case, which is his own salary, I will say that he has been one of the most efficient of all of the Treasury officials in making these reductions. He has by far the largest of any of the auditorships, both in the money which he audits and in the force under him. In one of them, the Auditor for the War Department, he has this same salary of \$5,000 practically, for he has \$4,000 and \$1,000 for auditing the Panama Canal, although altogether his work is not as large as that of this auditor.

Mr. COX of Indiana. Will the gentleman yield?

Mr. GILLETTE. Certainly.

Mr. COX of Indiana. These employees whom the gentleman says were dropped, does he mean to say that they are permanently dropped?

Mr. GILLETTE. Permanently dropped. Last year 58 were dropped, and this year 54 more.

Mr. COX of Indiana. Are they on the pay roll in any other department?

Mr. GILLETTE. They have not been transferred except as individuals. The Treasury last year, they tell me, was enabled by not filling any vacancies except with these dropped clerks and by arranging with other departments to get places for all these clerks, but it was a clear economy in this department of so many places.

Mr. COX of Indiana. I have no doubt about it; but can the gentleman inform the committee how much actual economy was brought about as a result of these employees being dropped and not transferred to some other department?

Mr. GILLETTE. These whole 58 dropped last year was an absolute economy. Now, this year, as I say, he dropped 54 more, and of course that is not all saved, because these increases that have been made would tend to reduce that apparent saving. Now, in regard to this \$1,000 increase, I thoroughly believe that a man of his efficiency who has produced these economies ought to be recognized and rewarded. I think it is good business policy, and if we go on accepting all the reductions they make and not recognizing them by any increase of salary, as we would anywhere in the business world, we are making a great mistake. What inducement is there for an official to try to save for the Government if we do not recognize and reward him by promotion, as the rest of the business world does?

Mr. COX of Indiana. The gentleman does not have much doubt, does he, but that the increases will be put on over at the other end of the Capitol?

Mr. GILLETTE. I hope they will, but do we want to stultify ourselves by striking out all of these and making them the only efficient body? It seems to me it is better for the House to do the legislating. If they come back here from conference, there is not anything like the opportunity for the House to pass upon each case that there is now. So much for the auditor.

Now, take the assistant chief clerk, at \$3,000. That is an apparent increase, but see what we have done for him. There were two deputy auditors. We have dropped both of them. He had two deputy auditors and a chief clerk, and instead of them we have a chief clerk and assistant, and we have raised

his salary. He takes the place of three men. Now, that is real economy. It is an increase subject to the point of order, but I think that is really an economy.

Mr. COX of Indiana. Will the gentleman yield for another question right in that connection?

Mr. GILLETTE. Certainly.

Mr. COX of Indiana. If I recollect, the legislative bill of last session appropriated something like \$75,000 for the use of the Treasury Department to enable them to devise plans to bring about economy.

Mr. GILLETTE. Yes.

Mr. COX of Indiana. And I believe substantially the same provision is embraced in this bill, on page 68. I recollect that when the last bill was going through it was assailed on the floor of the House, and the assurance was given by the gentleman in charge of the bill, as well as by the gentleman from Illinois [Mr. MANN], that if that provision was left in the bill it would bring about great economy. This question now may be in advance, but if the gentleman will inform the House now as to whether or not he confidently believes that as a result of such expenditure of that \$75,000 last year economies have been brought about, and whether or not the economy now of which the gentleman has just spoken is one of them.

Mr. GILLETTE. It is. This has been done under the suggestion of this very committee of experts who are employed by that \$75,000. I believe we have gotten infinitely more than our money's worth.

Mr. COX of Indiana. Will the gentleman yield for another question?

Mr. GILLETTE. Certainly.

Mr. COX of Indiana. If I have carefully examined this bill here there are six different auditors. Their salaries now under the current law amount approximately, if not accurately, to \$20,000. Does the gentleman know whether an investigation has been conducted by the Treasury Department with a view of seeing whether or not a number of these auditors could be dispensed with and economy could be brought about by having only one auditor?

Mr. GILLETTE. I do, Mr. Chairman; and it is curious the gentleman has forecasted just what these experts are now contemplating. It was suggested to us that they expect—although perhaps that is too strong a word, but they hope at least—next year to bring in a plan to abolish all except one auditorship.

Mr. COX of Indiana. Does the gentleman believe that will lead very materially to economy?

Mr. GILLETTE. I think so.

Mr. COX of Indiana. Does the gentleman believe also that if that is done it would in any way cripple the efficiency of the department?

Mr. GILLETTE. I judge not. As I say, they have that in view and are working on that now, and tell us that probably next year they can bring in that very suggestion.

Mr. COX of Indiana. It is hardly possible to conceive of any civil institution of any magnitude whatever as having five, six, or seven auditors in it, is there? In other words, in all civil life—

Mr. MANN. There is much to be said on that side of the question.

Mr. COX of Indiana. Is not this true in all civil life, or is it not the contention, that the more business can be concentrated in the hands of a few individuals the more it tends toward efficiency and economy?

Mr. MANN. Undoubtedly; but, on the other hand, a person who becomes acquainted with the work of the War Department, and who may be extremely efficient there, would be absolutely useless to the Auditor for the Post Office, and vice versa. There is another thing. With all this work in one office there may be men transferred from one character of work to another. But that is never advisable. They should work on the same line of work. I think probably they can consolidate the offices.

Mr. COX of Indiana. The gentleman from Illinois would not regard it beyond the ability of any one man to learn all the work of these various offices in the event they were placed under one head?

Mr. MANN. No one man can learn all the work they do. If the gentleman will spend some time in the War Department, as I have, and look at the work that has been done there, he would discover that if he were to begin work there as a young man and live to be very old, he would not know as much as some of these old clerks do.

Mr. COX of Indiana. The heads of departments do not know much about it.

Mr. MANN. I am not speaking of the heads of the departments; I am speaking of the clerks in the departments.

Mr. COX of Indiana. I am only speaking about the heads in the departments.

Mr. MANN. They are not supposed to know the details of these things, and I guess they never do.

Mr. COX of Indiana. As I gather it from the gentleman in charge of this bill, it is the purpose—at least the departments are now investigating—

Mr. GILLETT. This expert committee is—

Mr. COX of Indiana (continuing). The abolition of some if not all of these auditors, and making one auditor's office for all the departments.

Mr. GILLETT. They tell us that will probably be the result next year.

Mr. COX of Indiana. In that investigation is it necessary and essential that any part of this \$75,000 appropriated last year for the Treasury Department, and which sum you would this year recommend, be used?

Mr. GILLETT. Yes; that is for this committee of experts. They are outside of the department.

Mr. COX of Indiana. I understand. How much of the appropriation made last winter for this item has been used?

Mr. GILLETT. I do not remember exactly. My recollection is that thirty-odd thousand dollars has been used up to date.

Mr. COX of Indiana. Has this committee paid for itself?

Mr. GILLETT. It has very much more than paid for itself. This bill shows that it is an economical movement, right in the Treasury Department alone, and, as I showed, this year there is a reduction of \$250,000 from last year in that department.

Mr. COX of Indiana. I have been very much interested in that item since it went into the legislative bill of last year, particularly on account of the statement of my friend from Illinois—I think I recollect it correctly—that possibly if left in the bill it would save the Government three or four million dollars a year. I do not know that I exactly remember his words, but I am fully sure it reached in the aggregate a million or two.

Mr. MANN. Undoubtedly it reached a million or two. I made the statement last year that the consolidations if made would result in economy. I did not say it would reduce the appropriations that much. I expressly guarded against that. The increases in the amount of service otherwise would increase the appropriations. I believed it would reduce the appropriations some and save the Government a large amount. I understand they have economized in the expenditures; and if Congress will follow their recommendations, they will further economize in the expenditure of public money.

Mr. GILLETT. Not only on this bill but on the sundry civil bill there are economies they have suggested.

Mr. JOHNSON of South Carolina. I want to ask the gentleman if the sundry civil bill or some other bill during last session did not carry an appropriation of \$100,000 to employ another board.

Mr. GILLETT. Yes.

Mr. JOHNSON of South Carolina. To teach them how to do business there?

Mr. GILLETT. This applies to the Treasury Department; the other was for all executive departments.

Mr. JOHNSON of South Carolina. Is it possible that out of all the thousands of employees of this Government, when millions of dollars a year are paid to them, it is necessary to go outside to employ experts to teach them to do business as business men?

Mr. GILLETT. Is it not wise to have somebody from outside, entirely disconnected with the department, who can overlook it and see whether it is up to modern business methods? I think it is.

Mr. JOHNSON of South Carolina. Does the gentleman mean to intimate that they have not already in the employment of the Government men who have these modern business ideas?

Mr. GILLETT. That is what we want to find out. Now, I know we have. For instance—I do not suppose this is any betrayal of confidence—I have heard that one of these experts in speaking of our State Department under its recent reorganization said it was a most efficient department, that he had no criticisms to make, and that it would be a model not only for an executive department, but that it would be a model for a business organization.

Now, I think it is gratifying to know that, and to know that there is at least one department that does not need any expert supervision. Of course, that is a small department, and was much easier to reorganize than the Treasury Department, but it was done from within without help from outside.

Mr. COX of Indiana. Will the gentleman yield for one more question?

Mr. GILLETT. Certainly.

Mr. COX of Indiana. Can the gentleman inform the committee as to what policy, if any, the department has, as to whether or not it is going in the future to ask for a permanent appropriation of this amount, to enable the department to learn something about the principles of business?

Mr. GILLETT. No; I do not think that is at all the purpose. I think the purpose is simply to have this another year, so that all the different branches of the department can be brought under its inspection. They did not say whether they would finish it in one year or not. The Treasury Department, as you are aware, is a very large department, but this is understood to be simply a temporary inspection, criticism, and reorganization, and then, of course, the need of the experts will be over. I should think another year ought to do it.

Mr. COX of Indiana. The gentleman believes that in another year this economy work can be accomplished?

Mr. GILLETT. At the present rate I should think so, easily. The CHAIRMAN. Does the gentleman from Arkansas [Mr. MACON] insist on his point of order?

Mr. MACON. Mr. Chairman, I have listened with great interest to the gentleman from Massachusetts [Mr. GILLETT], who is in charge of this bill. He has talked about economy, and so on, and has said that in view of the economies which are being accomplished these increases of salaries ought not to be objected to. He talks about the number of the clerical force that has been dropped. He well understands that the moment the department feels the need of more clerks, they will be provided for in an appropriation bill, and he well understands that when a salary is increased on an appropriation bill there is no power on earth that can ever get it reduced. Therefore I do not think it is wise for us to allow salaries to be increased that can never be reduced, in order to make up for a deficiency that may be created by reason of the dropping of a clerk here and there who can be put back on the roll in the twinkling of an eye.

Mr. TAWNEY. I think the gentleman is in error when he says, first, that there is no power to reduce a salary, and, second, that salaries are never reduced. The estimates submitted for the legislative, executive, and judicial appropriation bill at this session of Congress carry a number of reductions in salary as well as a great many reductions in the number of places. It is not absolutely impossible, as the gentleman assumes, to reduce salaries.

Mr. LIVINGSTON. There are 40 salaries here, which are less than last year.

Mr. TAWNEY. There have been 40 reductions in this one bureau.

Mr. MANN. If the gentleman will allow me, in the ordinary interpretation of the rules, the salary carried in the current appropriation law is a guide for the Chair in ruling on a point of order where an increase is proposed; the rulings have been that the current law fixes the salary to that extent. That is an arbitrary rule; but the salaries of these auditors are fixed by law, and that law is not changed by paying an additional amount for one fiscal year. So that, if you take this auditor now, his salary being fixed by law at \$4,000, and we appropriate \$5,000 to him, the item of \$5,000 next year will be subject to the point of order the same as it is now.

Mr. MACON. Not according to the ruling made by the Chairman yesterday. He read a rule which provided that where a salary had been carried in an appropriation bill, that that fixed the salary.

Mr. MANN. I call the attention of the gentleman to the distinction. Where the salary is fixed by statute law, that statute law is not changed by appropriating a larger amount for one year.

Mr. MANN. The salaries of these clerks are not fixed by law except in an appropriation bill. Not being fixed by law, except in an appropriation law, the Chair consistently holds that if you propose to increase that salary of the clerk it is subject to a point of order, because it is more than it is in the current law. But that does not apply to the office of auditor or other officers whose salaries are fixed by statute law creating the office. The next year the item would be subject to a point of order as far as he is concerned. That would not be true of the law clerk or the chief clerk.

Mr. MACON. In response to the statement of the gentleman I will say that the salary of the head of nearly every bureau or chief of division in all of the departments has been increased within the last 10 years on appropriation bills. I undertake to say that the gentleman can not have one of them reduced one single cent on a point of order.

Mr. TAWNEY. The gentleman is certainly in error there. The salary of all the auditors is fixed by law.

Mr. MACON. Most of them have been increased on appropriation bills.

Mr. TAWNEY. That does not make any difference. The law has not been changed, and next year any man can make a point of order against an increase if it is carried.

Mr. MACON. I do not understand that that is the rule, but if it is I am going to test it when you bring in your next appropriation bill.

Mr. TAWNEY. It is the statutory salary, we do not change the law by fixing it at \$5,000. That statute remains the same. Five thousand dollars recommended in an appropriation bill would be subject to a point of order just the same as it is now, for the reason that the appropriation act fixing the salary at \$5,000 instead of \$4,000 does not repeal the permanent statute fixing the salary at \$4,000.

Mr. MACON. Does the gentleman think that the salaries of the assistant postmasters that have been increased on appropriation bills within the last ten years can be reduced or put out of the bill on a point of order?

Mr. TAWNEY. If they are drawing an amount in excess of the statutory salary they can. I do not know what the statutory salary is.

Mr. MACON. We will attend to that when the post-office bill comes up. I am glad that the gentleman has told me what he has because I will give a little attention to the action of the body at the other end of the Capitol hereafter when they put increases back into appropriation bills that have been attended to in the House. I want to say in regard to the economy in this particular paragraph, where the committee has appropriated for four principal bookkeepers, at \$2,000 each—all new—and I find in line 15 of the same paragraph that the 20 money-order assorters that were appropriated for last year have been increased to 25, and I find many other increases all through the bill.

Mr. GILLET. The gentleman does not notice that we have stricken out a great many more than we have put in. If he will examine, he will see that we have stricken out 24 clerks, at \$900; 19 money-order assorters, at \$660; and we have struck out 2 deputy auditors, at \$2,500. The gentleman from Arkansas says we have struck out nothing but clerks.

Mr. MACON. Are these men going to lose their positions?

Mr. GILLET. It is expected that they will get some other position.

Mr. MACON. Then they are not reductions, but are transfers from one bureau to another.

Mr. GILLET. No; we do not count the transfers as reductions.

Mr. MACON. You are transferring these to some other department.

Mr. GILLET. No; we are not. We do not count transfers as reductions. The department, when it drops 50 clerks, does try, and it has tried successfully, to put them into vacancies caused by death or resignation; to find new places for them if they can not get transfers for them. But the department gets the saving just the same whether they are transferred or fill vacancies which would have to be filled by some one.

Mr. TAWNEY. The gentleman from Arkansas must see that in a reorganization of a large force, such as in the Sixth Auditor's office, that reorganization will necessarily involve changes requiring additional places in one branch while you drop a great many in others. That is a reason for the additional places, making the organization more efficient than it has ever been. This reorganization will save the Government \$30,000 from what it cost last year.

Now, that reorganization involves increases of salaries to some extent.

Mr. MACON. I called the attention of the gentleman from Massachusetts [Mr. GILLET] to where the appropriation for one of the bureaus in this bill was in excess of the appropriation of last year.

Mr. GILLET. Four hundred dollars excess.

Mr. TAWNEY. We are talking now of the Sixth Auditor's office. There was a reduction of \$80,000 in that office a year ago, or \$70,000, and now there is a reduction of a little over \$30,000.

Mr. LIVINGSTON. The exact reduction was for 40 less salaries in the Sixth Auditor's office in this bill under the last bill, and \$30,840 less expense—40 salaries less with \$30,840 less.

Mr. TAWNEY. And this reorganization will give us a more efficient organization and better service than we have ever received, and for less money, and I trust the gentleman from Arkansas will not insist on the point of order.

Mr. MACON. I do not think the man whose salary was attempted to be increased in this bill will suffer as much as those

that have been entirely wiped out, and feeling that way about it, I am going to insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GILLET. Now, Mr. Chairman, I wish to offer amendments to fill the places that the gentleman has eliminated.

Mr. LIVINGSTON. The first is the auditor and the next is the chief clerk.

Mr. GILLET. To what does the gentleman make the point of order?

The CHAIRMAN. The Clerk will read the items to which the point of order is directed.

The Clerk read as follows:

Line 2, point of order against "five."

Mr. GILLET. Mr. Chairman, I move in place of "five" to insert "four."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Line 3, point of order against the first "three."

Mr. GILLET. Mr. Chairman, that is a new office, assistant and chief clerk, \$3,000. There is no assistant and chief clerk now.

Mr. MACON. That salary was \$2,000 last year.

Mr. GILLET. But this assistant and chief clerk takes the place of two deputy auditors, each at \$2,500, and a chief clerk at \$2,000. This \$3,000 takes the place of \$7,000 that we had before. Now, it seems to me that the gentlemen ought to allow that to go. The gentlemen will see it is not simply a chief clerk, but it is an assistant and chief clerk, and if you strike out the language—

Mr. LIVINGSTON. If the gentleman insists now we will have to put back the two auditors.

Mr. GILLET. The gentleman surely does not want us to put back the two deputy auditors.

Mr. MACON. I reckon they ought to be taken care of as well as this one.

Mr. GILLET. But we have dropped them entirely.

Mr. MACON. Does the gentleman mean to tell me that this one man is going to perform the services of the two or three men who are turned out?

Mr. GILLET. I do. It is just exactly that saving.

Mr. LIVINGSTON. We have saved \$4,500.

Mr. GILLET. That is if the organization is allowed to stay there.

Mr. MACON. Then he has not been doing his duty heretofore by the Government.

Mr. TAWNEY. This is the result of an organization. They have dropped the deputy auditors in all the auditors' offices.

Mr. GILLET. This may not be the same man.

Mr. MACON. I have no patience with any official who will not give as good service for \$2,000 as he gives for \$5,000 if he obligates himself to perform the duties of the position.

Mr. GILLET. This may not be the same man.

Mr. SHERLEY. Here is the idea following all of this reorganization: Instead of a lot of second-rate men, to have a few first-rate men and pay them first-rate salaries, and that is true economy.

Mr. CULLOP. Your organization does not depend on this increase of salary.

Mr. TAWNEY. No; but the reorganization depends upon having the positions which have been recommended by the department and is recommended by the committee.

Mr. CULLOP. Still the reorganization can take place without the increase in the salaries.

Mr. TAWNEY. There is no position such as is provided for here.

Mr. CULLOP. You are abolishing two others, as I understand. Is that correct?

Mr. TAWNEY. Two deputy auditors at \$2,500 each, \$5,000.

Mr. CULLOP. It does not depend, then, upon an increase of salary, but a better administration of the office at the same salary.

Mr. GILLET. A better man.

Mr. TAWNEY. You reduce the salary—

Mr. CULLOP. You are not reducing the salary, but installing better administration, which can be carried on without increasing the salary if required.

Mr. LIVINGSTON. There is a decrease in the amount of \$30,480.

Mr. CULLOP. That shows the waste going on there heretofore and how extravagant has been the administration of this department.

Mr. TAWNEY. And the gentleman wants to continue it; that is his policy; that is the result of the gentleman's policy.

Mr. CULLOP. No; he does not, and it is not the result of it. You are here undertaking to increase an officer's salary. It is a place where a reform can be made, but the reform is not dependent upon the increase of salary, but upon a better administration of the office.

Mr. TAWNEY. I will say it is not proposed to increase anybody's salary. We are fixing the salary for a new office that has not existed heretofore.

Mr. CULLOP. And yet it is not shown that an increase of salary—

Mr. TAWNEY. There is no increase.

Mr. CULLOP. Well, for that position you contend it is essential to the reform. It may be made on the old salary just as well.

Mr. TAWNEY. There is no old salary now.

Mr. CULLOP. Well, the same as the others received.

Mr. TAWNEY. Then the gentleman would continue two deputy auditors at \$2,500 each instead of creating a new position to do the work which the two deputy auditors did at \$2,500 each a year.

Mr. CULLOP. No; I would not. I would discharge both of them and put one good man in their places who would do the work of both. Wipe both out, and that is just the trouble now.

Mr. MANN. That is what is contemplated, if the gentleman will listen for a moment. The chief clerk last year was paid a salary of \$2,000, which is a reasonable salary for a chief clerk.

Mr. MACON. Now they add the word "assistant," and you think that ought to be worth \$1,000 more.

Mr. MANN. There were two deputy auditors at \$2,500 each. We have already passed the other auditors' offices and allowed a chief clerk in the other auditor's office where we abolished one deputy auditor at \$2,250 without objection on the part of anyone. Now the proposition here is to abolish two deputy auditors and to have one person perform the office which is now performed by the two deputy auditors and the chief clerk at a salary of \$3,000, following the suggestion of my friend from Indiana that we abolish three officers and appoint a better man to fill the places of the three at a slightly increased salary over any one of them.

Mr. CULLOP. What the gentleman from Indiana is saying is you can get that better man without the increased salary, and it is unnecessary to do it and that the whole thing ought to be wiped out and regenerated in that department.

The complaint has been for years that we have been carrying on methods in that department of 50 years ago, and large appropriations have been made to call in experienced accountants for the purpose of training them how to adopt new and improved business methods, and yet they say they can not get away from these antiquated methods of half a century ago. That being true, instead of retiring them upon a pension, turn them out to make a living at some other vocation and appoint new and active business men who will adopt modern methods. That would be much better.

Mr. MANN. That has nothing to do with this question. There is no proposition here to retire them on a pension, but to turn them out to make a living wherever they could. Now, it would be absurd to say that we will only appoint a chief clerk in the office of the Auditor for the Post Office Department, acting as assistant auditor at only \$2,000, when we are paying the chief clerks in other auditors' offices \$2,250, because the duties in the office of the Auditor for the Post Office Department are a great deal more onerous than in any other. We ought to maintain an appearance of consistency in the matter. I do not know the individual, if there be an individual, and I do not know if there be an individual, but if we abolish the two deputy auditors and require the chief clerk to assume the responsibility of an auditor, and they get the right man for the place, he ought to be paid the \$3,000.

Mr. CULLOP. Yes; if he can not be had for less, but it may be he can be secured at a more reasonable sum. If so, let him be tried. In pursuing this plan we do injury to no one and serve the public better.

Mr. COX of Indiana. Will the gentleman from Illinois yield for a question?

Mr. MANN. Certainly.

Mr. COX of Indiana. It is for the purpose of eliciting information. Who is now the Fifth Auditor for the Post Office Department?

Mr. MANN. You get me. I do not know who the auditor is. I do not have any dealings with the Post Office Department.

Mr. FOSTER of Illinois. It is Mr. M. O. Chance.

Mr. MANN. I believe he is a Democrat, by the way.

Mr. CULLOP. If he has been there long, he is not.

Mr. MANN. You will remember that the appointing power is not the gentleman from Indiana. That is probably his view of it.

Mr. CULLOP. I have not any faith in that kind of Democracy.

Mr. COX of Indiana. I want to elicit some information as to whether or not the Auditor for the Post Office Department whose salary is now sought to be increased to \$4,500—

Mr. MANN. That has been disposed of.

Mr. COX of Indiana. I want to ask for information. Is he a member of this expert committee now?

Mr. GILLETT. Oh, no; they are all outsiders.

Mr. COX of Indiana. Do you mean this committee of five?

Mr. GILLETT. You mean the inside committee? He is a member of this committee.

Mr. COX of Indiana. Who else composes this committee of five that has been trying to bring about these economies? Do you know?

Mr. GILLETT. The chief clerk of the Treasury is one. I do not know who the other three are.

Mr. COX of Indiana. And then the Auditor for the Post Office Department?

Mr. GILLETT. Yes; and the chief clerk of the Treasury Department.

Mr. COX of Indiana. Is there any disposition on the part of this committee to increase the salary of the chief clerk of the Treasury? Have you increased that?

Mr. GILLETT. Yes, we did; but it went out on a point of order.

Mr. COX of Indiana. How much did you propose to increase it?

Mr. GILLETT. From \$3,000 to \$4,000.

Mr. COX of Indiana. I want to ask this question: Whether or not the increase of salaries of these particular men was brought about in any way by reason of the fact that they served as members of the committee that was attempting to reorganize the department?

Mr. GILLETT. Not the slightest. I do not know who the other members are. I happen to know who those two are.

The CHAIRMAN. The Chair has already ruled on a point of order directed to the item of \$5,000 in line 2. The next point of order that the gentleman makes is against this item for assistant chief clerk, \$3,000?

Mr. MACON. Yes, sir.

The CHAIRMAN. And what is the gentleman's point of order?

Mr. MACON. The point of order is that it is an increase from \$2,000 to \$3,000.

The CHAIRMAN. But the Chair has gotten the impression from what has been said here that this is the creation of a new office.

Mr. MACON. The chief clerk, with an assistant added to the name—assistant and chief clerk; but it is the same individual.

The CHAIRMAN. The Chair would like to know just what the point of order is.

Mr. MACON. It is against the increase.

The CHAIRMAN. The Chair thinks no point of order can be made against the increase, because there is no increase, inasmuch as this is an establishment of a new place and fixes, for the first time, a new salary. The Chair thinks, however, it is subject to a point of order on the ground that it is the creation of a new place not authorized by section 169 of the Revised Statutes, which says:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rate of compensation, respectively, as may be appropriated for by Congress from year to year.

This being a new position, of assistant auditor and chief clerk, on that ground the Chair sustains the point of order. Will the gentleman indicate the next item?

Mr. GILLETT. Mr. Chairman, I would like to offer an amendment to take the place of the part that has been stricken out.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Two deputy auditors, at \$2,500 each; chief clerk, \$2,000.

Mr. GILLETT. That is simply the old organization, which existed before.

Mr. HILL. One moment—

Mr. MACON. I reserve the point of order on that.

Mr. MANN. In the first place, I would like to suggest to my friend from Massachusetts—

The CHAIRMAN. Does the gentleman from Arkansas desire to reserve the point of order on the amendment?

Mr. MACON. Yes, sir.

Mr. MANN. I would like to suggest to my friend from Massachusetts, that if that item should go in, and the bill should not be mutilated in another distinguished legislative body, we will have an anomalous condition. We would have provided in the bill that the office of deputy auditor was abolished and appropriate for that officer at the same time. If the gentleman will recur to page 54, there is legislation providing—

The position of deputy auditor authorized in the offices of the six auditors of the Treasury for the several executive departments and other Government establishments are hereby abolished to take effect on and after July 1, 1911, and on and after said date the duties and powers theretofore exercised by law by said deputy auditors shall be exercised by the chief clerk and chief of division in each of said auditor's offices.

Of course that is not yet law.

Mr. GILLETT. No.

Mr. MANN. We can appropriate for the deputy auditors here; but if we do, and this provision remains in the law, the appropriation is invalid. If the gentleman would, simply follow that provision of the law and offer an amendment covering chief clerks—

Mr. GILLETT. Well, the trouble is this, one position was to be given to a person who could take the places of these three.

Mr. MACON. Is it not the same individual?

Mr. MANN. I do not know whether it is the same individual, but I do not suppose it is.

Mr. MACON. Is the same individual chief clerk?

Mr. MANN. I do not know anything about that.

Mr. GILLETT. No; I understand that they want to have a new man. I do not know who he would be. If the gentleman insists on the point of order against this new organization, we will have to go to the old organization. It is true that we have abolished this office; but of course that is not the law yet. The two will have to be construed together as best they can. As this comes last, probably it will be held that these two offices were not abolished.

Mr. MANN. No.

Mr. TAWNEY. Will the gentleman from Massachusetts allow me to ask him this question: It is a fact, is it not, that if these offices remain we will have two deputy auditors at \$2,500 and a chief clerk at \$2,000?

Mr. GILLETT. Yes.

Mr. TAWNEY. That makes \$7,000.

Mr. GILLETT. Yes.

Mr. TAWNEY. Now, this proposes that one man perform the duties of these three offices, and to give him a compensation at the rate of \$3,000 a year, thereby saving \$4,000.

Mr. MACON. And that one will be one of the three?

Mr. TAWNEY. I do not know about that; but, however that is, he will have the duties of the three offices instead of one.

Mr. MACON. Does not the gentleman believe the officer will do his duty for \$2,000 as well as for \$3,000?

Mr. TAWNEY. That depends upon the officer to some extent.

Mr. GILLETT. I do not think that they could get the kind of a man they want for that money.

Mr. TAWNEY. That is not the question involved here at all. What we are trying to do is to abolish three positions and create one to take the place of the three; and in doing that we will get the same service that we now get from the three. That is, one man will discharge the duties of the three positions for a compensation \$4,000 below what we are now paying.

Mr. GILLETT. And if we can not have that done we will have to go back to the old plan and adopt the provision for two deputy auditors and a chief clerk.

Mr. TAWNEY. That is all.

Mr. MACON. I insist that that unhappy condition could not exist through the simple reduction of this salary from \$3,000 to \$2,000. Last year there was one chief clerk provided for. Now you have an assistant chief clerk. He is the same individual, is he not?

Mr. TAWNEY. It may or may not be the same individual.

Mr. MACON. You say you have abolished two auditors at \$2,500 a year?

Mr. TAWNEY. Yes.

Mr. MACON. And you are abolishing this \$2,000 job?

Mr. TAWNEY. Yes.

Mr. MACON. And creating a \$3,000 one?

Mr. TAWNEY. Yes.

Mr. MACON. And now you say if this arrangement is not carried out that you are going to deliberately put the two auditors back and put this clerk back.

Mr. TAWNEY. We will have to.

Mr. MACON. To the work of this one man?

Mr. TAWNEY. We will have to.

Mr. MACON. Do you think it is necessary to have three men to do the work of one?

Mr. TAWNEY. If you have a man in your employ who is performing the services that three men were required to perform before, would you expect that one man to perform the services of the three men at the rate of compensation received by the lowest of the three?

Mr. MACON. I would, if he assumed the obligation to do so.

Mr. TAWNEY. He has not assumed the obligation.

Mr. MACON. Don't you suppose they can get anyone to assume it?

Mr. TAWNEY. I don't know whether they can or not. I do not suppose you can get for \$2,000 a man to perform the duties of two deputy auditors and a chief clerk of the auditor's office, and I think it would be very poor policy.

I would not want to accept the services of any man who would come in and say he would do the work of three men for the compensation which the lowest paid of those three had previously received. It is a matter of absolute necessity, unless we go back to the old system.

Mr. MACON. I withdraw the point of order as to the assistant and chief clerk, \$3,000.

The CHAIRMAN. The point of order is withdrawn.

Mr. GILLETT. I ask unanimous consent to withdraw the amendment I offered.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

Mr. MACON. Gentlemen seem to think it is absolutely necessary to have this man at \$3,000 a year.

The CHAIRMAN. What is the next point of order?

Mr. MACON. The next is in line 3—

Law clerk, \$3,000.

His present salary is \$2,500.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. GILLETT. I do not.

The CHAIRMAN. The Chair sustains the point of order. Will the gentleman from Arkansas indicate the next point of order?

Mr. MACON. In line 5.

Mr. GILLETT. First I will ask to amend.

The CHAIRMAN. Let the Chair suggest to the gentleman from Massachusetts that while amendments have been offered here by unanimous consent, it would be better probably to let the points of order be disposed of first.

Mr. GILLETT. I was afraid we might in that way overlook some of them.

The CHAIRMAN. The gentleman will have an opportunity to offer his amendments.

Mr. MACON. In line 4 we have—

Expert accountant, \$2,750.

His present salary is \$2,250.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. GILLETT. I do not.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MACON. In line 5—

Four chiefs of division, at \$2,250 each.

Their present salaries are \$2,000 each.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. GILLETT. I do not.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Massachusetts is now recognized to offer an amendment.

Mr. GILLETT. I move to amend by inserting, in line 3, in place of the words "three thousand" stricken out, the words "two thousand five hundred"; in line 4, in the place of "seven" stricken out, the word "two."

The CHAIRMAN. The Chair will state that in line 5—

Mr. GILLETT. The "two thousand dollars" will remain in the bill. You have stricken out the "two hundred and fifty."

The question being taken, the amendments were agreed to.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. A while ago I made an inquiry if any Member knew the names of the five persons constituting the committee on the investigation of the Treasury Department. No one seemed to be able to give all the names at that time. I now have a list of the members of the Treasury Department investigating committee, and they are as follows:

M. O. Chance, Auditor for Post Office Department; present salary, \$4,000; estimated for in 1912, \$5,000.

J. L. Wilmeth, recently appointed chief clerk Treasury Department, \$3,000; estimated for in 1912, \$4,000.

S. R. Jacobs, a chief of division in office of Auditor for State and other Departments; recently appointed disbursing clerk, Treasury Department, \$3,000.

C. A. Kram, law clerk, office Auditor for Post Office Department, \$2,500; estimated for in 1912, \$3,000.

L. M. Bartlett, expert accountant, office Auditor for Post Office Department, \$2,250; estimated for in 1912, \$2,750.

Now, it looks, Mr. Chairman, to me that instead of bringing about real efficient economy in that administration these men, or somebody, has been instrumental in trying to get their salaries increased.

Mr. GILLET. It seems to me, Mr. Chairman, that that is very natural. I do not know anything about the facts; I did not know who the men were; but it seems to me entirely natural that their salaries should be increased. I assume that the Treasury Department selected these men, as energetic, enterprising, discreet men, to make that kind of investigation. Apparently they have made it to the satisfaction of the heads of the departments, and justified that opinion of them, and the heads of departments now wish to give them a permanent opportunity to carry out what they have done temporarily. It seems to me quite natural and proper that they should encourage work like this; that men who have shown themselves competent by making such reductions, men who have shown themselves to be good administrators should have an increase of salary. They certainly would anywhere else in the world. They ought to be rewarded so that others should imitate them. Good work ought to be encouraged instead of being subject to criticism. It seems to me that it is praiseworthy and natural that an increase of their salaries should be recommended by the department.

Mr. COX of Indiana. I addressed an inquiry a moment ago as to whether or not the fact that the Auditor for the Post Office Department has served as a member of this committee had anything to do with inducing the Committee on Appropriations to increase his salary, and I understood the gentleman in charge of the bill to answer that it had nothing to do with it.

Mr. GILLET. That is true; it had nothing at all to do with us. Until to-day I did not know who was a member of the committee.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

Mr. MANN. Mr. Chairman, I object to the withdrawal of the point of order. Here are men under the department endeavoring to effect economy. In doing that they meet severe criticism of their coemployees. Any man in any department of the Government or elsewhere who endeavors to effect economies by putting additional labor on an employee or reducing his salary or dispensing with his services finds himself in more or less hot water at once.

Now, having done that, they come to Congress and get kicks instead of praise. They are criticized for what they do and damned for what they do not do. If they accomplish economies they are criticized. Some Members jump on them because of the economies that may be accomplished, and ask "Why did you not have the antiquated method done away with before?"

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. MANN. I am always pleased to yield to the gentleman from Indiana.

Mr. COX of Indiana. Does the gentleman believe that these men constituting the committee have been any more arduous than they were before they were put on the committee?

Mr. MANN. The work of the committee has been additional—certainly, they have been doing more arduous labor. It has been additional work to their work. A Member of the House can come here at the sessions of the House, which meets at 12 and adjourns at 5 o'clock, or he can work in the morning in addition, or he can stay from the session altogether, or he can work in the morning, afternoon, and evening. He has his choice about it. These people perform work which they are assigned to do under the law, and in addition to that they have done this work for the purpose of inaugurating economies, and made themselves unpleasant to some of their coemployees.

They have recommended methods by which we can introduce and do introduce economies in the service. They ought to be praised, and they ought to be given some additional compensation, not so much because they have earned it, but as an incentive to other officials of the Government to try to get their compensation increased for the same reason. I have no doubt that in the Government and out of the Government everywhere those men who can see additional compensation coming to them by reason of economies they effect on other people are the ones who effect the economies. Why should a man engage in effecting economies under the Government if he gets neither credit nor increase of compensation for it? What object is there in

one of the officials of the Government cutting down clerks in his department if he is cussed in the department for it, damned in Congress when he comes here, and receives no more pay? There is no man in the world who does that unless he has some incentive, and here is a proposition to do away with all the incentive on the part of these individuals in the Government service to effect economies. A man in one of the departments who will save to the United States \$50,000 or \$100,000 a year by reason of his brain ought to be paid something for it, and until the Government and Congress realize that fact it will not be possible to effect these economies. Why did we go outside and get individuals from outside of the Government service to do these things? Largely because everyone knows that not only in a department of the Government but anywhere else in human society an individual on the inside will not endeavor to effect those economies at the expense of his fellow man that people on the outside will do.

Mr. BOEHNE. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BOEHNE. What saving has this reorganization brought about?

Mr. MANN. Well, last year in this item there was a reduction of over 50 employees in this one item. This year there is a reduction of over 50 employees in this same office—an office that is increasing its labors very extensively at the same time, because there is an increase in the Post Office Department of from 10 to 20 per cent per year, and yet in spite of this increase in labor to be performed there is an economy of over \$100,000 in this one office.

Mr. BOEHNE. And how much does the increase amount to?

Mr. MANN. This increase?

Mr. BOEHNE. Yes.

Mr. MANN. About \$1,000.

Mr. BOEHNE. It seems to me a very good investment and, in my opinion, there should be no obstruction placed in the way of accomplishing this reorganization and saving this money to the country. We have been preaching this all along to that side of the House, and let us practice what we preach.

Mr. LIVINGSTON. Mr. Chairman, this House has been clamoring and knocking at the door of the Appropriations Committee for many years for retrenchment and economy. You have whacked our bills right and left when we have presented them. When we have been able by any means whatever to accomplish reductions, either in salaries or expenses, you have objected to the change. If we consolidate several positions, as in this instance three at a salary of one-third of the combined sum, you object to that, and it has been said on this floor this afternoon that that one man put in the place of the three ought to do the work for the lowest salary that was dropped.

Let me give you an instance—and we have only followed the precedents established by this Government for 100 years: Recently, Mr. Chairman, there was an investigation of the false weighing of sugar in New York. It was done by a Government official drawing a salary. He recovered over \$2,000,000, which was paid back to the Government by the Havemeyer syndicate. There was an effort made to pay him something for that extra work, and valuable work it was. That was objected to. It went before the Treasury Department and the President of the United States, and in the deficiency bill passed to-day there was appropriated the amount of \$100,000, estimated for and sent here by the proper authorities.

Mr. COX of Indiana. No; that is based on organic law, isn't it?

Mr. LIVINGSTON. No; it was settled as to amount by the Secretary of the Treasury. He was paid for extra work, Mr. Chairman, good work—work out of time and out of hours, work on Sundays and in the night—so exacting that when it was completed he fell down, a nervous wreck, and was treated for quite a while for nervous prostration. How could your Committee on Appropriations produce in this one office, as I have shown you a moment ago, a reduction of 40 salaries, amounting to \$30,840 in money, a clean-cut saving—how could your committee do that without making certain combinations for better men to take the places of inferior men who were dropped? How could we do it except the way in which it has been done? And yet, when done, we are hammered by men on this floor who know no more about appropriation bills and how they are constructed and the necessity for them than the man in the moon. [Laughter.] That is your trouble; you know nothing about what you are talking. [Renewed laughter.] I might just as well be plain with you.

If you had gone through one of these bills carrying \$85,000,000 of money, or \$30,000,000, and figured on every single dollar in it, to find where you could save, you would understand it better. We make mistakes. We admit that; but we pored over this bill,

for I have been on this one for 12 days, when you were resting [laughter], before Congress met. We have had investigation after investigation. We have had every possible man before us whom we thought could give any light on the subject, and when we have done the very best possible and produce evidence to-day that we have done good work, and when we have made reductions both in salaries and in money, as I say, when we have done that, you object. Why, it is perfect nonsense, as the chairman of this committee said a while ago, for you to think that you can put one man in the place of three, either at the plow-handle or at the mower, or in the shop, and make him do the work that the three men had been doing on the salary that one man had been receiving; if he does, he ought to go to a lunatic asylum if he expects it.

Mr. COX of Indiana. Or to a doctor's office, either.

Mr. LIVINGSTON. And the man who presses it or who favors it ought to go with him. [Laughter.] Now, I want to suggest that you gentlemen who know nothing about these bills, except that there is a change, and you can see that—that is easy enough, anybody can see there is a change from last year—and the gentleman from Arkansas [Mr. MACON] or anybody else can sit down here and he will have no trouble to find them. You should go further. Ask whether there is any necessity for that. Suppose it is an increase of salary and an increase of money both. There may be a valuable reason for it. That is the way to treat your Committee on Appropriations, and not criticize it because it is a change. Will you ever have any progress? You will be in the same rut a thousand years from now that you were a hundred years ago, and that is your trouble. [Laughter.] You ought to be made to go out and root, for the hog is the only animal that never looks forward or upward. [Laughter and applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Bureau of Engraving and Printing: Director, \$6,000; assistant director, \$3,500; chief of division of assignments and reviews, \$3,000; chief clerk, \$2,500; stenographer, \$1,800; clerk of class 4; 6 clerks of class 3; 9 clerks of class 2; 9 clerks of class 1; 8 clerks, at \$1,000 each; disbursing agent, \$2,400; storekeeper, \$1,600; assistant storekeeper, \$1,000; clerk in charge of purchases and supplies, \$2,000; 10 clerks, at \$900 each; 6 clerks, at \$840 each; 16 clerks, at \$780 each; 9 attendants, at \$600 each; 2 helpers, at \$900 each; 2 helpers, at \$720 each; 2 helpers, at \$600 each; 3 messengers; 7 assistant messengers; captain of the watch, \$1,400; 2 lieutenants of the watch, at \$900 each; 46 watchmen; 2 forewomen of charwomen, at \$540 each; 19 day charwomen, at \$400 each; 52 morning and evening charwomen, at \$300 each; foreman of laborers, \$900; 4 laborers; 75 laborers, at \$540 each; in all, \$215,160; and no other fund appropriated by this or any other act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act, and then only on the written approval of the Secretary of the Treasury.

Mr. MACON. Mr. Chairman, I make a point of order against the increase of the salary of the director, on page 63, line 21. They propose to increase the salary of the director from \$5,500 to \$6,000.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard?

Mr. GILLET. This is undoubtedly subject to the point of order, and while I believe heartily that the gentleman should receive it, that it is good administration to pay it, I suppose there is no use appealing to the gentleman from Arkansas.

Mr. MANN. Mr. Chairman, I do not think that the gentleman ought to say that. We have appealed to the gentleman from Arkansas, and he has been very good and, I think, very sensible about these things, and I am going to make a suggestion to him now. One of the effective economies which has been introduced, as I understand, so far has been the transfer of the bureau that stamps and numbers the United States notes, and so forth—I forget what they call it, the Issue Division—from the Treasury to the Bureau of Engraving and Printing. It used to be the custom to print the notes and take them over to the issue department to have them put on the seal and to be numbered.

Now, that work is done over at the Bureau of Engraving and Printing, which adds very greatly to the responsibility of the chief of that bureau, because now he is the one who is responsible for this money after it gets to the point where it is practically money. He is the one who originated this proposition. It saves a great deal to the Government. The money is handled less often now than it was before.

Mr. LIVINGSTON. The paper out of which it is made is handled once now, where it was handled three times before, and the machines are in his control, under his direction, and are largely of his invention. We thought it was nothing but right that the man should be paid for that kind of work.

Mr. MANN. I know nothing about that, but I remember last year, when this matter was up, I talked to Mr. Norton, who was then the Assistant Secretary of the Treasury, as to propositions for economy in the Treasury Department, and he then told me that he and Mr. Ralph had conferred about this matter and had concluded that by transferring this division they would save not only the carting of the money over from the Bureau of Engraving and Printing to the Treasury Department and putting it in a vault there, but they would save very greatly in the handling of the money and the number of times it would be handled. That has worked out very economically to the Government, as I understand, but has increased very greatly the responsibility of the man who has charge of that work and who is held responsible for this money after it is sealed and numbered. And I should think that an increase of \$500 in his salary might properly be made under such circumstances.

Mr. MACON. Mr. Chairman, I appreciate what the gentleman from Illinois [Mr. MANN] has said very much, and it might be all right if this increase alone was being asked, but turn over to page 65, and we have the Director of the Mint, who wants an increase. I suppose he has been very efficient, too, and doubtless there will be some good reasons given for an increase in his salary. And a little lower down we find the adjuster of accounts in the office of the Director of the Mint is also desirous of an increase. And so on throughout the bill. So in order to be consistent I will have to insist on my point of order.

Mr. HILL. Mr. Chairman, just one moment before the gentleman insists on his point of order. Three or four years ago, as I was getting on the train up north to come to Washington, the boy carrying the mail from the station asked me if I would get his wages paid once a month instead of once in three months. I was surprised that any employee of the United States Government was only paid once in three months. I started to investigate, and finally wound up in the Treasury Department, with six chiefs of divisions appearing and stating the reasons why these employees could not be paid but once in three months. With the aid of President Roosevelt and of one man in the Treasury Department 28,000 employees who were then receiving their pay once in three months thereafter received it monthly.

The point I want to get at is this: That in that investigation I found that the vouchers for every Government purchase, whether for a large or small amount, from the original order to the final adjustment and payment, required 23 different signings and countersignings, checkings and countercheckings, audits, and so forth; I made up my mind, as a business man, that a thorough reorganization of the whole thing was necessary in order to bring it to modern and up-to-date practices and methods. Therefore, when I was appointed as chairman of the Committee on Expenditures in the Treasury Department, that committee started in with the hope of remodeling and changing some things in the Treasury Department.

My friend from Indiana knows just exactly what the result was. We summoned the Auditor of the Treasury before us and began with him, to see if some improvements could not be made. But we found at that time that the Treasury Department itself had entered upon the work of its own reorganization, and that they had employed outside experts, men of large business experience, men who were public accountants, probably as thorough public accountants as there are in the United States, for this very purpose. They summoned the chief clerks and heads of divisions, heard what they had to say in regard to it, and provided for a plan of reconstruction, reorganization, and remodeling of the business methods of the Treasury Department under the lead and supervision of one of the best business men in the United States, the man who now occupies the position of Secretary of the Treasury. Under those circumstances it seemed to us that it was unwise for this committee, pending that investigation, pending that attempt to make a reorganization and reduce the expenses of the Treasury Department, to go ahead with a congressional investigation.

Now, I have been sitting here listening to the points of order that have been made as to the Treasury Department appropriation, and in my judgment it is a mistake. The Congress of the United States can better afford to let this reorganization go forward under the control and direction of thoroughly competent men outside of the department, of course summoning to themselves the aid of persons in the department in order to procure exact and precise information.

It is better to let them go ahead. They have saved \$170,000 this year. They doubtless can and probably will save more next year. It will be necessary in some cases to increase some salaries. It will be necessary in some cases to remove some officials, but let it go ahead as long as it is in the direction of economy. I say to my friend from Arkansas, trust these people

a little while. It is only a few months until you will have the control and supervision of this work. They are getting ready for your control and supervision. Why not let them do it, and do it in the way in which they are trying to do it, to reduce the expense and improve the business conditions. The Committee on Expenditures in the Treasury Department, if it had remained under Republican control, when this job was finished, would have reviewed and revised it. I assume that you will do the same thing. But is it not wiser, rather than interfere now with the work that is going on, that we should let them go ahead with the plans they have laid out so long as they are plans of economy and efficiency? [Applause.]

Mr. MACON. Mr. Chairman, to what the gentleman has said, I will reply in a few words by saying that I am trying to hedge against the increase of salaries.

Mr. HILL. But if these increases result in general economies, is it not wise to do it?

Mr. MACON. I will have to be shown on that. But I am inclined to think that some of these heads of bureaus are trying to get their salaries increased at this session of Congress because there is going to be a change, and they know they will not be able to get them in the next. I have an eye on that. And I am going to keep an eye on it until after the election two years from now. I, as a Democrat, hope the Democratic Party will be successful in that election, and that we will elect a Democratic President. If we do, then the heads of the departments will be Democrats, and I want to keep the salaries down, so that no Democrat can get a larger salary than is now being paid to a Republican. There is no politics in this for me. I am trying to represent the people, and am doing my level best to have the expenditures of the Government honestly and economically made.

The CHAIRMAN. The Chair will call the attention of the gentleman from Massachusetts to the fact that there is no salary provided now.

Mr. GILLET. I will offer an amendment inserting \$5,500.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend in lines 21 and 22, page 63, making the salary of the director \$5,500.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of the Director of the Mint: Director, \$5,000; examiner, \$3,000; computer, \$2,500; assayer, \$2,200; adjuster of accounts, \$2,500; 2 clerks of class 4; private secretary, \$1,400; 2 clerks of class 3; 2 clerks of class 1; messenger; assistant in laboratory, \$1,200; assistant messenger; skilled laborer, \$720; in all, \$29,280.

Mr. MACON. Mr. Chairman, I make a point of order against the increase in the salary of the Director of the Mint, to be found on page 65, in lines 9 and 10:

Director, \$5,000.

His present salary is \$4,500. I make a point of order against the increase. In line 12:

Adjuster of accounts, \$2,500.

The present salary is \$2,250, an increase of \$250. I also make a point of order against that increase.

The CHAIRMAN. Does the gentleman from Massachusetts concede that the present salaries are as stated?

Mr. GILLET. I suppose they are.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLET. Mr. Chairman, I would like to reinsert the present salaries.

The CHAIRMAN. The clerk will report the amendment.

The Clerk read as follows:

Page 5, lines 9 and 10, change the amount of the salary so that it will read: "Director, \$4,500."

The amendment was agreed to.

Mr. GILLET. And, in line 12, instead of \$2,500, change the amount to \$2,250.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, lines 12 and 13, make the salary of the adjuster of accounts \$2,250.

The amendment was agreed to.

The Clerk read as follows:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, \$50,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information. I should like to ask the chairman in charge of this bill about what per cent of this money is expended for the transportation of bullion or coin through the mails.

Mr. GILLET. I do not think any of it is.

Mr. COX of Indiana. How is it transported?

Mr. GILLET. By express.

Mr. COX of Indiana. Why is it sent by express? Is it cheaper than it is to send it through the mails?

Mr. GILLET. I did not make any investigation about that.

Mr. MANN. It is cheaper.

Mr. GILLET. I supposed it was for the insurance, because it was safer to send it by express.

Mr. COX of Indiana. Then, as I understand, a very small quantity of it, if any, is transported through the mails, but nearly all, or all, of it is for the transmission of money by express.

Mr. GILLET. Yes.

Mr. COX of Indiana. Does the gentleman think that is due to the insurance feature of it?

Mr. GILLET. I understood that is the reason; that it is safer, and they prefer to pay the express charges than risk transportation by mail.

Mr. COX of Indiana. Does the gentleman think it is cheaper to transport it by express than it would be by mail, the bulk of it?

Mr. MANN. My recollection of it is that a few years ago we were making quite a large appropriation for this, and then we inserted in the item the words—

By registered mail or otherwise.

Mr. COX of Indiana. I recollect that.

Mr. MANN. And thereupon the cost of transporting this bullion by express was considerably reduced. I think some of it is sent by registered mail now, but the rest of it—that is, sent by express—is sent at a rate which the Post Office Department estimate to be less than they could afford to carry it for, with the insurance.

Mr. COX of Indiana. The gentleman thinks the insertion of that language has been the means of reducing the cost of transportation by the express companies?

Mr. MANN. That is my understanding of it.

Mr. COX of Indiana. I withdraw the pro forma amendment. The Clerk read as follows:

INDEPENDENT TREASURY.

Office of assistant treasurer at Baltimore: Assistant treasurer, \$4,500; cashier, \$2,750; paying teller, \$2,250; receiving teller, \$1,900; exchange teller, \$1,800; vault clerk, \$1,700; bookkeeper, \$1,600; assorting teller, \$1,600; 4 clerks, at \$1,400 each; 3 clerks, at \$1,200 each; 5 clerks, at \$1,000 each; messenger, \$840; 3 watchmen, at \$720 each; in all, \$35,300.

Mr. MACON. Mr. Chairman, I make a point of order against the increase of the salary of the cashier in the paragraph just read, to be found on page 73, line 25.

Cashier, \$2,750.

The present salary is \$2,500.

Also, on page 74, line 4:

Bookkeeper, \$1,600.

His present salary is \$1,200.

The CHAIRMAN. Does the gentleman concede that those are the present salaries?

Mr. GILLET. I do; but I should like to make a statement to the gentleman from Arkansas about this, and I think it will appeal to his judgment. All these independent treasuries must be considered together; at least they were considered together by the committee. The assistant treasurer came to us and said that for months he had been trying to make some equalization of the salaries that were paid in the different treasuries throughout the United States. He said, what the committee was well aware of, that there was and had been for years a great inequality in different cities—San Francisco, Baltimore, Boston, and others; that in the same service clerks were getting a different amount, which, of course, was wrong. The salaries had been raised in different places at different times. He said he had been endeavoring to get a similar nomenclature and have the same service at the same rate in all the different offices. He had finally secured this, with the concurrence of the head of the Treasury, in each city throughout the United States. It had, he said, involved a small increase in the expense; if I remember rightly, the increase of them all was about \$5,000 for this readjustment and reclassification of the salaries, for there is a very large reclassification. The gentleman has just touched on the two where they were increased above the ordinary rates; but there are reductions as well as increases.

The total was an increase, as is natural, I suppose, in getting concurrence of all the officials—an increase of only \$5,000 in the whole \$500,000—which is an increase of only 1 per cent. We did not go into the details at all. We had full confidence in the gentleman in charge of it, who had shown a desire for economy and good administration. He is one of the assistant

secretaries of the Treasury. He had recently reorganized the mint, and saved there \$178,000 a year. Therefore we adopted the whole scheme. It involves some increases and some reductions; the increases in all the subtreasuries amounting to only about \$5,000; but if the gentleman strikes out here and there one of the increases, it entirely disorganizes the whole plan and instead of bringing about the desired symmetry it leaves it very likely worse than it was before. It leaves us quite hopeless in knowing what should be done. What we would have to do, I am afraid, would be to restore the same old law and destroy the entire scheme.

I am sure that it is a plan thoroughly in the interest of good administration, something that ought to have been accomplished before, and I think it has been accomplished at a small expense to the Government, and that this \$5,000 will be well spent in getting this reorganization. Whether this particular place which the gentleman refers to ought to have an increase I do not know. I think the Secretary did the very best he could in cutting down in all the different districts to get them on a fair and economical basis. I sincerely hope that the gentleman will not destroy the whole system; and he will if he makes the point of order against the places where there are increases.

Mr. MACON. Mr. Chairman, I notice under this head "Independent Treasury" there seems to be a position created called "paying teller," with a salary of \$2,250. In another place a receiving teller, \$1,900; another, exchange teller, \$1,800; another, vault clerk, \$1,700; another, assorting teller, \$1,600; all of these new places are apparently created under this head. And yet the gentleman tells us that it is necessary to increase the salaries of other officials when they have had so much assistance given them to do the work of the department.

Mr. GILLET. The gentleman will see—take this place in Baltimore—that there was an increase of only \$1,300; last year it was \$34,000 and this year it is \$35,300. That is larger than it is in some other places. In New York there is a reduction of \$4,000. If the gentleman insists in striking this out, he utterly destroys the whole reorganization, and I do not know what we can do except to go back to the irregular system where some were receiving more and some less. Does not the gentleman think it is real good economy that the Government should pay the extra \$5,000 and get all the treasuries throughout the whole United States on the same basis, and then we will have a standard where we can keep them?

Mr. MANN. Mr. Chairman, I would like to suggest a fact. A year ago, in my efforts to annoy and enlighten the Committee on Appropriations, I made a table of the different positions in the different subtreasuries, and I found, for instance, that you might have a receiving teller in Baltimore at a salary of \$1,800 and a bookkeeper in San Francisco at a salary of \$2,500 performing the same duties. In one place a receiving teller and a paying teller. In one office there would be no receiving teller and there would be no paying teller. In one office a clerk would perform the functions of a teller, and in another place the teller perform the functions of a clerk, and the salaries were as various as the titles.

Mr. COX of Indiana. What was the result of the gentleman's investigation as to the amount and volume of work done at the different places; was it the same or would it vary?

Mr. MANN. Mr. Chairman, the result of my investigations was that as a rule those officers that did the smallest amount of work had the largest salaries. In San Francisco the salaries were higher than any other place, I think. Boston was comparatively high. New Orleans was high. As these offices had been created, the oldest offices as a rule increased the pay in the course of time and had accumulated larger salaries for the men in those offices, but there was absolutely no system, either as to the names which the officials in the office bore or as to any correspondence of salary with the work which they performed. A paying teller at that time in Chicago, I think, received \$1,600 or \$1,800, where the amount of money which he handled was probably ten times the amount of money handled by the paying teller in San Francisco, where the salary was, I think, \$2,500 at that time. I presume now it is \$2,250. There was a reduction made once before in this matter. Certainly, if they can get the same names for all these people in the offices, so that the departments here can have some idea properly of the functions which the different men are performing and regulate their conduct, we will get possibly cheaper service as well as better service.

We lost \$173,000 in Chicago—it was reimbursed to the Treasury. No one knows just how it went, but we all know that the men who were in a position to take it were receiving at that time very low salaries. I came before Congress once with this proposition. One of the clerks out there had taken in some dollar bills which were subsequently sent to Washington, and

in the course of time the Treasury Department discovered that they were counterfeit. They did not discover it when the bills were sent, but they had a record of it.

This man was charged up with it, the subtreasurer first, and then this man. They were charged up with \$200. I saw no way of getting the money back for the man. It was not his fault. This bill had never been listed; it was so good that it was accepted by the Treasury officials here, and they did not discover it until some time after; and at that time I did what seemed to me the thing proper to do; I think suggested by some distinguished member of the Committee on Appropriations. Instead of putting in a claim for \$200, we increased the salary \$200, and I believe that the fellow who held the office was transferred to some other office, so that he never got the increase in the salary. [Laughter.] Here was a man at that time, as I recollect, who was working on a salary of \$1,600 or \$1,800 a year and handling millions of dollars of money, and who had to give a bond for a large sum, and who was held responsible. Men like him performing the same work under a different title, a more high-sounding title, in a smaller office, handling only a small proportion of the amount that he was, were getting a salary of \$2,500 a year. Now, I do not care what the salaries are, except as to one man, and he is only a janitor.

Mr. HILL. Mr. Chairman, this same subject came up before our committee last spring, as Members doubtless know, in connection with the proposed investigation of the St. Louis subtreasury. Personally, I would like to see about half of the subtreasuries abolished, and perhaps all of them, and the United States Government transact its business through the banks, as every other country in the world does; but they are there. At that time one reason why the committee did not go to St. Louis and investigate that subtreasury was because we had definite and direct information that the public accountants to whom I have referred were already there and were engaged in that work, and it was useless to duplicate the investigation. I raised the question immediately in regard to the other subtreasuries—notably in Chicago, where \$173,000 had disappeared in about five minutes and nobody could account for it; also as to San Francisco, where a similar shortage had occurred—and, as chairman of the committee, I was informed that the work was only begun in St. Louis and that the accountants intended to visit every subtreasury and make recommendations to the Treasury Department for such changes and the adoption of such new methods and systems as seemed to occur to them on such visitation to be necessary and advisable.

Now, I do not know, but I assume that these changes which have been made are the result of the examinations and inspections of these subtreasuries during the recess since we adjourned last spring, and that these are the recommendations, not of the department itself, but of the expert accountants employed by the department, made as a result of their examinations, and I think we ought to go very slowly about reversing the changes which have been made by them—the increases as well as the reductions. If we are going to put these offices back on the old basis of inefficiency and payment for political work, and all that sort of thing, let us have it fully understood that it is not in accord with the plans of the administration now in power. But when the department employs outside experts—men of high character, who have no political bias, but whose sole purpose is to put these establishments on a business basis—had not we better let them have that opportunity, and then my friend from Arkansas can see what they have done after they get through, and, if deemed advisable, the incoming party can then investigate them. That is the way it strikes me, and I hope it will be in accord with the views of the gentleman from Arkansas.

Mr. CAMPBELL. What is the necessity for the maintenance of these subtreasuries?

Mr. HILL. That is a question which this country has been struggling with, I think, ever since Andrew Jackson's time. I do not think we can settle it on this appropriation bill. I do not believe in them myself, but I accept the situation, and as long as we have them, let us keep them on a business basis after these readjustments have been made without any political significance whatever.

Mr. CAMPBELL. Did the committee of which you are chairman in investigating the expenses of the Treasury Department look to the discontinuance of these subtreasuries and the difficulties that would be encountered in abolishing them?

Mr. HILL. My opinion is that it would have been nothing but looking and waiting for; it would take a revolution to change it.

Mr. GILLET. Mr. Chairman, I should like to say just one word further. The gentleman who is engaged in this work is

Assistant Secretary Andrews, who, as the gentleman will remember, before this reorganized the mint, in which he saved the Government \$178,000 a year. He has proved his economical skill and energy, and the Secretary of the Treasury in sending us this recommendation says this, which I should like to call to the attention of the gentleman from Arkansas.

Mr. MACON. I am listening to you, sir.

Mr. GILLETT. He says:

May I respectfully suggest that if the plan fails to meet the approval of the House of Representatives, every effort be made to reject it in toto rather than to accept it in part and reject it in part, for the reason that the plan is for a complete reorganization of the subtreasury service, carefully correlated one part to another; confusion will result and the subtreasury service be placed under the greatest possible disadvantage if an attempt be made to separate various parts of the reorganization plan from others.

Now, in view of that, the committee adopted it exactly as it was sent in to us, and if points of order are made against it we should feel obliged to suggest the old organization, antiquated as it is, instead of the present, and, inasmuch as it is such a very slight percentage of addition, in the face of the pressure from the different subtreasuries for 20 per cent increase all along, many of them demanding it as needed for their increased service, I trust the gentleman will withdraw his points of order to all these independent treasuries.

Mr. MACON. Mr. Chairman, the gentleman has said so much that it is necessary for me to say a few things. The gentleman talks about economy in this bill. I notice here under the head of "Office of the assistant treasurer at Chicago" that we appropriated \$72,650 last year. This time they ask for \$74,030. That is not an economy as I understand economy. Under the head of the "Office of assistant treasurer at Cincinnati" last year we appropriated \$24,410. This year we are called upon to appropriate \$26,440. That is not an economy as I see it. For the office of assistant treasurer at New Orleans last year we appropriated \$28,890; this year we are called upon to appropriate \$33,380. Such appropriations do not look like economies to me.

Another suggestion made by the gentleman from Massachusetts was that they want to equalize salaries. I notice under the heading of "Office of assistant treasurer at Baltimore" the item—

Assistant treasurer, \$4,500.

You do not ask for any increase there at all. And over here I notice the salary of the assistant treasurer at Boston is \$5,000. I notice that the salary of the assistant treasurer at Chicago is \$5,000, and that the salary of the assistant treasurer at Cincinnati is \$4,500. You said you wanted to equalize salaries—

Mr. GILLETT. According to the work.

Mr. MACON (continuing). Why not try to equalize all of them?

Mr. GILLETT. According to the work that is done in each case.

Mr. MACON. I take it that they do pretty nearly as much work at Baltimore as they do at Boston.

Mr. GILLETT. And he gets pretty nearly as large a salary.

Mr. MANN. They do not do anything like the amount of work.

Mr. MACON. And so on down the line. Another suggestion along the line of equalizing salaries. I notice that none of them are brought down in order to equalize with the fellow that is lower. An official with a special friend in the House will have him at a particular session of Congress ask that his friend's salary be increased, and 10 other Members, right in the wake of that, will say that the salary of So-and-so must be increased at once in order to equalize things. They never say that salaries ought to be reduced in order to equalize them.

Mr. MANN. They do bring them down several times.

Mr. MACON. I do not see where any salaries are decreased at all, hardly; there are but very few, and then they are usually the fellows that do the work—the little ones. I insist upon the point of order.

The CHAIRMAN. As the Chair understands it, the point of order is directed to the words "two thousand seven hundred and fifty dollars," in line 25, on page 23, and the Chair sustains the point of order on that. The next point of order is directed to the words "one thousand six hundred dollars," in lines 4 and 5, page 74, and the Chair sustains the point of order.

The Clerk will read.

Mr. GILLETT. Mr. Chairman, as a substitute for the section which has just been read, I offer the following, which was the law of last year.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] offers an amendment, which the Clerk will report.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent to substitute for all of the following independent treasuries the

law of last year, which I shall offer section by section, if objection is made to this.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Office of assistant treasurer at Baltimore: Assistant treasurer, \$4,500; cashier, \$2,500; 3 clerks, at \$1,800 each; 2 clerks, at \$1,600 each; 4 clerks, at \$1,400 each; bookkeeper and 3 clerks, at \$1,200 each; 5 clerks, at \$1,000 each; messenger, at \$840; 3 watchmen, at \$720 each; in all, \$34,000.

The CHAIRMAN. The Chair understands that the amendment offered by the gentleman from Massachusetts is to strike out the entire paragraph and insert in lieu thereof the amendment read.

Mr. GILLETT. That is it.

The CHAIRMAN. Without objection, the Clerk will make the correction.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at Boston: Assistant treasurer, \$5,000; cashier, \$2,750; paying teller, \$2,500; vault clerk, \$2,300; receiving teller, \$2,000; redemption teller, \$1,700; clerk, \$2,000; 2 clerks, at \$1,650 each; clerk, \$1,600; bookkeeper, \$1,600; 2 clerks, at \$1,500 each; clerk, \$1,400; 4 clerks, at \$1,200 each; 3 clerks, at \$1,100 each; 5 clerks, at \$1,000 each; clerk, \$800; messenger and chief watchman, \$1,060; 3 watchmen and janitors, at \$850 each; laborer and watchman, \$720; in all, \$47,380.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. GILLETT. Mr. Chairman, I move to strike out the paragraph and substitute in lieu thereof last year's law, which I have already sent to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. MACON. Then I will withdraw the point of order in view of the fact that the gentleman offers an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Office of assistant treasurer at Boston: Assistant treasurer, \$5,000; chief clerk, \$2,500; paying teller, \$2,500; receiving teller, \$2,000; assistant paying teller, \$2,200; vault clerk, \$2,000; assistant receiving teller, \$1,600; 2 bookkeepers, at \$1,600 each; 2 specie clerks, at \$1,650 each; money clerk, \$1,500; redemption clerk, \$1,400; clerk, \$1,400; 3 clerks, at \$1,200 each; clerk, \$1,100; 7 clerks, at \$1,000 each; clerk, \$800; messenger and chief watchman, \$1,060; stenographer and typewriter, \$1,000; 3 watchmen and janitors, at \$850 each; in all, \$45,710.

The CHAIRMAN. Without objection, the amendment will be agreed to.

Mr. MANN. Wait a minute. Did the gentleman from Arkansas make the point of order on that?

Mr. MACON. I made the point of order on the other.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at Chicago: Assistant treasurer, \$5,000; cashier, \$3,000; chief clerk, \$2,000; vault clerk, \$2,250; paying teller, \$2,500; assorting teller, \$2,000; redemption teller, \$2,000; change teller, \$2,000; receiving teller, \$2,250; clerk, \$2,000; bookkeeper, \$1,800; 2 bookkeepers, at \$1,500 each; clerk, \$1,750; clerk, \$1,600; 7 clerks, at \$1,500 each; 2 clerks, at \$1,400 each; 17 clerks, at \$1,200 each; 2 clerks, at \$1,000 each; hallman, \$1,100; messenger, \$840; 3 watchmen, at \$840 each; janitor, \$720; in all, \$74,030.

Mr. MACON. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. Is it conceded by the gentleman from Massachusetts that the paragraph is subject to the point of order?

Mr. GILLETT. I concede it.

The CHAIRMAN. The point of order is sustained.

Mr. GILLETT. Now, I offer as an amendment the paragraph of last year's law.

The Clerk read as follows:

On page 75, after line 3, insert the following:
"Office of assistant treasurer at Chicago: Assistant treasurer, \$5,000; cashier, \$3,000; vault clerk, \$2,000; paying teller, \$2,000; assorting teller, \$1,800; silver and redemption teller, change teller, and receiving teller, at \$2,000 each; clerk, \$1,600; bookkeeper, \$1,600; 2 bookkeepers, at \$1,500 each; assistant paying teller, \$1,600; chief coin, coupon, and currency clerk, \$1,750; 3 coin, coupon, and currency clerks, at \$1,500 each; 6 clerks, at \$1,500 each; 20 clerks, at \$1,200 each; detective and hallman, \$1,100; messenger, \$840; stenographer, \$900; janitor, \$600; 3 watchmen, at \$720 each; in all, \$72,650."

Mr. MANN. Mr. Chairman, I move to amend the amendment by striking out the words "six hundred dollars," after the word "janitor," and inserting "seven hundred and twenty dollars."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

Office of assistant treasurer at Cincinnati: Assistant treasurer, \$4,500; cashier, \$2,500; paying teller, \$2,000; receiving teller, \$1,800; vault clerk, \$1,800; bookkeeper, \$1,800; clerk, \$1,400; 2 clerks, at \$1,300 each; change teller, \$1,600; clerk, \$1,200; 3 clerks, at \$1,000 each; chief watchman, \$900; 2 watchmen, at \$670 each; in all, \$26,440.

Mr. MACON. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Arkansas makes the point of order. Does the gentleman from Massachusetts concede it?

Mr. GILLETTE. I concede it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. I offer as a substitute last year's law.

The Clerk read as follows:

Office of the assistant treasurer at Cincinnati: Assistant treasurer, \$4,500; cashier, \$2,250; assistant cashier, \$1,800; bookkeeper, \$1,800; receiving teller, \$1,500; vault clerk, \$1,800; 5 clerks, at \$1,200 each; 2 clerks, at \$1,000 each; clerk and stenographer, \$720; clerk and watchman, \$840; night watchman, \$600; day watchman, \$600; in all, \$24,410.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at New Orleans: Assistant treasurer, \$4,500; cashier, \$2,500; paying teller, \$2,200; receiving teller, \$1,900; vault clerk, \$1,900; bookkeeper, \$1,500; bookkeeper, \$1,400; assorting teller, \$1,400; 2 clerks, at \$1,400 each; 5 clerks, at \$1,200 each; 2 clerks, at \$1,000 each; 2 clerks, at \$840 each; messenger, \$600; in all, \$30,380.

Mr. MACON. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Arkansas makes the point of order. Is it conceded that the paragraph is subject to the point of order?

Mr. GILLETTE. I concede it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. I offer as a substitute for the paragraph last year's law.

The Clerk reads as follows:

Office of the assistant treasurer at New Orleans: Assistant treasurer, \$4,500; chief clerk and cashier, \$2,250; receiving teller and paying teller, at \$2,000 each; vault clerk, \$1,800; 2 bookkeepers, at \$1,500 each; coin clerk, \$1,200; 6 clerks, at \$1,200 each; 2 clerks, at \$1,000 each; porter and messenger, \$500; day watchman, \$720; night watchman, \$720; typewriter and stenographer, \$1,000; in all, \$28,890.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at New York: Assistant treasurer, \$8,000; cashier, \$4,200; assistant cashier, \$3,600; second assistant cashier, \$3,200; chief of pay division, \$3,100; receiving teller, \$3,000; paying teller, \$3,000; chief of coin division, \$2,800; chief of redemption division, \$2,800; bond clerk, \$2,750; chief bookkeeper, \$2,600; chief of canceled check division, \$2,400; 3 clerks, at \$2,300 each; chief of minor coin division, \$2,250; bookkeeper, \$2,250; bookkeeper, \$2,200; 2 clerks, at \$2,200 each; 3 clerks, at \$2,100 each; 5 clerks, at \$2,000 each; chief of coupon division, \$2,000; 11 clerks, at \$1,800 each; 3 clerks, at \$1,700 each; 5 clerks, at \$1,600 each; 9 clerks, at \$1,500 each; 6 clerks, at \$1,400 each; 14 clerks, at \$1,300 each; 13 clerks, at \$1,200 each; 5 clerks, at \$1,100 each; 4 clerks, at \$1,000 each; 3 clerks, at \$900 each; superintendent of building, \$1,800; chief guard, \$1,500; guard, \$1,200; 2 messengers, at \$1,200 each; 2 guards, at \$1,000 each; 5 messengers, at \$900 each; 2 messengers, at \$800 each; chief engineer, \$1,200; 2 assistant engineers, at \$1,050 each; 8 watchmen, at \$750 each; in all, \$202,850.

Mr. MANN. I make the point of order on the paragraph.

The CHAIRMAN. Is it conceded that the paragraph is subject to the point of order?

Mr. GILLETTE. It is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. Mr. Chairman, I offer as a substitute the provision of last year's bill.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Office of assistant treasurer at New York: Assistant treasurer, \$8,000; deputy assistant treasurer and cashier, \$4,200; assistant cashier and chief clerk, \$3,600; assistant cashier and vault clerk, \$3,200; 2 chiefs of division, at \$3,100 each; chief paying teller, \$3,000; 2 chiefs of division, at \$3,000 each; chief of division, \$2,700; chief of division, and chief bookkeeper, at \$2,400 each; chief of division, and assistant teller, at \$2,300 each; 2 assistant tellers, at \$2,250 each; 2 assistant tellers, at \$2,200 each; 3 assistant tellers, at \$2,100 each; 10 assistant tellers, at \$2,000 each; 11 assistant tellers, at \$1,800 each; 2 assistant tellers, at \$1,700 each; 5 assistant tellers, and 2 clerks, at \$1,600 each; 6 assistant tellers, and 2 clerks, at \$1,500 each; 10 assistant tellers, and 4 clerks, at \$1,400 each; 1 assistant teller, and 2 clerks, at \$1,300 each; 8 assistant tellers, and 3 clerks, at \$1,200 each; 6 assistant tellers, at \$1,100 each; 6 assistant tellers, at \$1,000 each; 1 clerk, \$900; 5 assistant tellers, at \$900 each; 2 messengers, at \$1,200 each; 5 messengers, at \$900 each; 2 messengers, at \$800 each; 2 hall men, at \$1,000 each; superintendent of building, \$1,800; chief detective, \$1,500; assistant detective, \$1,200; 3 engineers, at \$1,050 each; 8 watchmen, at \$720 each; in all, \$206,510.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at Philadelphia: Assistant treasurer, \$5,000; cashier, \$2,750; paying teller, \$2,300; coin and paying teller, \$2,000; vault clerk, \$1,900; bookkeeper, \$1,800; assorting teller, \$1,800; receiving teller, \$1,900; redemption teller, \$1,800; clerk, \$1,800; 2 clerks, at \$1,500 each; 2 clerks, at \$1,400 each; clerk, \$1,300; 5 clerks, at \$1,200 each; 2 clerks, at \$1,000 each; chief watchman, \$1,100; 7 clerks, at \$900 each; 5 watchmen, at \$840 each; in all, \$49,750.

Mr. MACON. I make a point of order upon the paragraph.

The CHAIRMAN. Is it conceded that the paragraph is subject to a point of order?

Mr. GILLETTE. It is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. I offer the law of last year as an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

In lieu of the matter stricken out insert the following:

Office of assistant treasurer at Philadelphia: Assistant treasurer, \$5,000; cashier and chief clerk, \$2,500; paying teller, \$2,300; coin and paying teller, \$2,000; bond and authorities clerk, \$1,600; vault clerk, \$1,600; bookkeeper, \$1,800; assorting teller, \$1,800; redemption teller, \$1,600; receiving teller, \$1,700; 2 clerks, at \$1,500 each; 3 clerks, at \$1,400 each; clerk, \$1,300; 6 clerks, at \$1,200 each; superintendent messenger and chief watchman, \$1,100; 6 counters, at \$900 each; 7 watchmen, at \$720 each; in all, \$49,440.

The amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at St. Louis: Assistant treasurer, \$4,500; cashier, \$2,750; paying teller, \$2,250; receiving teller, \$2,100; assorting teller, \$1,800; change teller, \$1,600; 3 clerks, at \$1,500 each; coin teller, \$1,400; bookkeeper, \$1,500; 7 clerks, at \$1,200 each; 2 clerks, at \$1,100 each; 5 clerks, at \$1,000 each; 2 watchmen, at \$720 each; 2 janitors, at \$600 each; guard, \$720; in all, \$41,360.

Mr. MACON. I make a point of order against the paragraph.

The CHAIRMAN. Is it conceded that the paragraph is subject to the point of order?

Mr. GILLETTE. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. I move as a substitute the section of last year's law.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in lieu of the matter stricken out the following:

Office of assistant treasurer at St. Louis: Assistant treasurer, \$4,500; cashier and chief clerk, \$2,500; first teller, \$2,000; second teller, \$1,800; third teller, \$1,600; assorting teller, \$1,800; assistant assorting teller, \$1,500; 2 assistant tellers, at \$1,500 each; coin teller, \$1,200; bookkeeper, \$1,500; 9 clerks, at \$1,200 each; 3 clerks, at \$1,000 each; 3 day watchmen and coin counters, at \$900 each; 2 night watchmen, at \$720 each; 2 janitors, at \$600 each; in all, \$40,540.

The amendment was agreed to.

The Clerk read as follows:

Office of assistant treasurer at San Francisco: Assistant treasurer, \$4,500; cashier, \$3,000; bookkeeper, \$2,000; clerk, \$2,000; paying teller, \$2,400; receiving teller, \$2,250; 3 clerks, at \$1,800 each; clerk, \$1,500; clerk, \$1,400; messenger, \$900; 2 watchmen, at \$840 each; 2 watchmen, at \$720 each; clerk, \$1,000; clerk, \$900; in all, \$30,370.

Mr. MANN. As the gentleman from Arkansas does not seem to wish to make a point of order on this paragraph, I will make it, to help him out.

The CHAIRMAN. Does the gentleman from Massachusetts concede that it is subject to a point of order?

Mr. GILLETTE. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETTE. And I move as an amendment the paragraph in the law of last year.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in lieu of the matter stricken out the following:

Office of assistant treasurer at San Francisco: Assistant treasurer, \$4,500; cashier, \$3,000; bookkeeper, \$2,250; chief clerk, \$2,000; assistant cashier, \$2,400; first teller, \$2,250; assistant bookkeeper, \$2,000; coin teller, and 1 clerk, at \$1,800 each; clerk, \$1,500; clerk, \$1,400; messenger, \$840; 4 watchmen, at \$720 each; 2 coin counters, at \$900 each; in all, \$30,420.

The amendment was agreed to.

Mr. GILLETTE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MANN having taken the chair as Speaker pro tempore, Mr. CURRIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill H. R. 29360—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

LAWS OF THE SECOND PHILIPPINE LEGISLATURE.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was

read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a volume containing the laws enacted at a special session of the Second Philippine Legislature, and certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, December 17, 1910.

CHANGE OF REFERENCE—MILITARY PRISONS.

By unanimous consent, at the request of Mr. HULL of Iowa, the Committee on Military Affairs was discharged from the further consideration of House Document No. 1129 (61st Cong., 3d sess.), being a letter from the Secretary of War transmitting, with a copy of a communication from the president of the Board of Commissioners of the United States Soldiers' Home, a report of the affairs of the military prison at Fort Leavenworth, Kans.; also submitting a report on the Pacific branch, United States military prison; and the same was referred to the Committee on Appropriations.

URGENT DEFICIENCY.

Mr. TAWNEY. Mr. Speaker, I wish to inquire if the urgent deficiency bill which passed the House this morning has been returned from the Senate.

The SPEAKER pro tempore. The clerks report that it is not here.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21331. An act for the purchase of land for the widening of Park Road, in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2, Rule XXXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2517. An act for the erection of a monument to the memory of Gen. William Campbell—to the Committee on the Library.

S. J. Res. 126. Joint resolution amending the act of June 25, 1910, making appropriation for the improvement of the Siuslaw River, Oreg.—to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. GILLET. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Monday, December 19, 1910, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for completing field notes of surveys in Minnesota, North Dakota, and South Dakota (H. Doc. No. 1212); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a statement of the travel of officers and employees in the Interior Department (H. Doc. No. 1213); to the Committee on Expenditures in the Interior Department and ordered to be printed.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 156) for the relief of Edwin S. Harris, reported the same adversely, accompanied by a report (No. 1781), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 157) for the relief of R. R. Robinson, reported the same adversely, accompanied by a report (No. 1782), which said bill and report were laid on the table.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 17098) for the relief of John D. Foreman, reported the same

adversely, accompanied by a report (No. 1783), which said bill and report were laid on the table.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 23844) for the relief of Wilbur S. Richardson, reported the same adversely, accompanied by a report (No. 1784), which said bill and report were laid on the table.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 26477) for the relief of the heirs of Charles O. Allen, reported the same adversely, accompanied by a report (No. 1785), which said bill and report were laid on the table.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 27020) for the relief of Mathias Meyer, reported the same adversely, accompanied by a report (No. 1786), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 29621) granting a pension to William L. Snider, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOSS of Illinois: A bill (H. R. 29706) to promote the efficiency of the Naval Militia, and for other purposes; to the Committee on Naval Affairs.

By Mr. KEIFER: A bill (H. R. 29707) to provide for the purchase of a site and the erection of a public building thereon at Troy, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 29708) to constitute Birmingham, in the State of Alabama, a subport of entry; to the Committee on Ways and Means.

By Mr. BURLINGHAM: A bill (H. R. 29709) to provide for the purchase of a site and the erection of a public building thereon at Fairfield, Me.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 29710) providing for the establishment of a system of local parcels post; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 29711) authorizing the Secretary of the Interior to sell fire-killed timber on the public lands; to the Committee on the Public Lands.

By Mr. LEVER: A bill (H. R. 29712) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: A bill (H. R. 29713) to remove discriminations against American sailing vessels in the coasting trade; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEVENS of Minnesota: A bill (H. R. 29714) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLERBE: A bill (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. HEALD: A bill (H. R. 29847) to authorize and direct the Secretary of War to purchase or to have constructed a suitable dredging plant for use in improving and maintaining the channels in streams tributary to the Delaware Bay; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 29848) to authorize and direct the Secretary of War to cause a survey to be made of the Appoquinimink River, in Delaware; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 29849) to authorize and direct the Secretary of War to cause a survey to be made of the Murderkill River, in Delaware; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 29850) to authorize and direct the Secretary of War to cause a survey to be made of the Mispillion River, in Delaware; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 29851) to authorize and direct the Secretary of War to cause a survey to be made of the Little River, in Delaware; to the Committee on Rivers and Harbors.

By Mr. HUGHES of West Virginia: A bill (H. R. 29852) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. SHERLEY: Resolution (H. Res. 878) relative to the addition of a new rule to the House rules; to the Committee on Rules.

By Mr. PARSONS: Resolution (H. Res. 879) directing the Secretary of the Treasury to furnish certain information as to places as to which authorization or appropriation has been made for a public building or a site for a public building by legislation of the Fifty-ninth, Sixtieth, or Sixty-first Congresses; to the Committee on Appropriations.

By Mr. HEFLIN: Joint resolution (H. J. Res. 255) authorizing the Director of the Census to collect and publish additional cotton statistics; to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 29716) granting an increase of pension to Nicholas Frankhouser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29717) granting an increase of pension to John Charleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29718) granting an increase of pension to John H. Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29719) granting an increase of pension to Alonzo Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29720) granting an increase of pension to Martin H. Black; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29721) granting an increase of pension to William A. Barrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29722) granting an increase of pension to Frank Bleser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29723) granting an increase of pension to Jerome Ashley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29724) granting an increase of pension to George Kross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29725) granting an increase of pension to Alfred T. Tallman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29726) granting an increase of pension to Marshall B. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29727) granting an increase of pension to Laura I. Curry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29728) granting an increase of pension to William L. Frisbey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29729) granting an increase of pension to Edward Cassidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29730) granting an increase of pension to Daniel Hogan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29731) granting an increase of pension to John Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29732) granting an increase of pension to Jennie Harding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29733) granting an increase of pension to Henry Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29734) granting an increase of pension to Samuel Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29735) granting an increase of pension to William H. McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29736) granting an increase of pension to Thomas Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29737) granting an increase of pension to William J. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29738) granting an increase of pension to Andrew J. Paden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29739) granting an increase of pension to John Ryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29740) granting an increase of pension to Harvey B. Ragon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29741) granting an increase of pension to David R. Routson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29742) granting an increase of pension to William A. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29743) granting an increase of pension to Albert A. Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29744) granting an increase of pension to William Schaeffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29745) granting an increase of pension to Peter Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29746) granting an increase of pension to Eli Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29747) granting an increase of pension to George W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29748) granting an increase of pension to John Shellhouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29749) granting an increase of pension to Joseph Shindorff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29750) granting an increase of pension to Francis M. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29751) granting an increase of pension to Joseph W. Watt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29752) granting an increase of pension to George H. Weeks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29753) granting an increase of pension to William H. Waters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29754) granting an increase of pension to Celius W. Worman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29755) granting an increase of pension to Harry L. Vance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29756) granting an increase of pension to David W. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29757) granting a pension to Elizabeth Youngblood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29758) granting an increase of pension to Isaac Furman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29759) granting an increase of pension to James West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29760) granting an increase of pension to Frank E. Schoener; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29761) granting a pension to Liberty Gary; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 29762) granting an increase of pension to Orlando Starkey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29763) granting an increase of pension to William S. Johnson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 29764) granting an increase of pension to Robert N. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29765) granting an increase of pension to William A. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29766) granting an increase of pension to Lewis H. Whitson; to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 29767) for the relief of the legal representatives of L. H. Cock, deceased; to the Committee on War Claims.

By Mr. BORLAND: A bill (H. R. 29768) granting a pension to Levin W. Jolly; to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 29769) granting an increase of pension to Charles Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29770) granting an increase of pension to William F. Quackenbush; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 29771) granting an increase of pension to George Porter; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 29772) granting an increase of pension to Thomas Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29773) granting a pension to Andrew Kiger; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 29774) granting an increase of pension to Mary Ruppel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29775) granting an increase of pension to James L. Johnson; to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 29776) granting an increase of pension to Henry C. Koller; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 29777) granting an increase of pension to John Goethe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29778) granting a pension to Susan A. Bates; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 29779) for the relief of the estate of John Anderson, deceased; to the Committee on War Claims.

By Mr. FOSS of Illinois: A bill (H. R. 29780) granting a pension to Anna M. Kauffman; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 29781) granting an increase of pension to Horace G. Bunker; to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 29782) granting a pension to Alloyed M. Smith; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 29783) granting an increase of pension to Lycurgus B. Gwyn; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 29784) granting an increase of pension to Thomas E. Camburn; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 29785) granting a pension to John Minch; to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 29786) granting a pension to Milo Le Seur; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 29787) granting a pension to Benjamin Gallaway; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 29788) granting an increase of pension to Thomas E. Johnson; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 29789) granting an increase of pension to James M. Proctor; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 29790) granting an increase of pension to Henry Gassman; to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 29791) granting an increase of pension to James W. Dunn; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 29792) granting a pension to Louisa Brown; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 29793) granting an increase of pension to A. J. Gatchell; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 29794) granting an increase of pension to Benjamin Guffey; to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 29795) for the relief of Frederick B. Neilson; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 29796) granting an increase of pension to Albert F. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29797) granting an increase of pension to Henry A. Castle; to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 29798) granting a pension to C. Werden Deane; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 29799) granting an increase of pension to Eben S. Nason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29800) granting a pension to Mathew M. Ledwien; to the Committee on Pensions.

Also, a bill (H. R. 29801) to correct the military record of Patrick Mullen; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 29802) granting an increase of pension to Edward B. Pendleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29803) granting an increase of pension to Michael J. Meehan; to the Committee on Pensions.

By Mr. OLMSTED: A bill (H. R. 29804) granting an increase of pension to James F. Maben; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29805) granting an increase of pension to William Bodley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29806) granting an increase of pension to Jeremiah Sipe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29807) granting an increase of pension to John H. Houtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29808) granting an increase of pension to William Gotshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29809) granting an increase of pension to Arnold B. Spink; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29810) granting an increase of pension to John H. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29811) granting an increase of pension to Eliphas W. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29812) granting an increase of pension to Samuel D. Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29813) granting an increase of pension to George W. Parthemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29814) granting a pension to Grace Backenstoss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29815) granting a pension to Charles William Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29816) granting a pension to William H. Swoveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29817) to correct the military record of Joseph Spangler; to the Committee on Military Affairs.

Also, a bill (H. R. 29818) to correct the military record of Phillip K. Meloy; to the Committee on Military Affairs.

By Mr. A. MITCHELL PALMER: A bill (H. R. 29819) granting an increase of pension to Solomon Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29820) granting an increase of pension to William D. Gibson; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 29821) granting an increase of pension to David M. Kinsey; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 29822) granting a pension to Thomas H. Hicks; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 29823) granting an increase of pension to R. B. Ransom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29824) granting an increase of pension to J. D. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29825) granting an increase of pension to Norman H. Bates; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 29826) granting an increase of pension to Peter W. Gadbow; to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 29827) for the relief of John Hood; to the Committee on Claims.

By Mr. TOWNSEND: A bill (H. R. 29828) granting an increase of pension to Oscar D. Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29829) granting an increase of pension to Jasper N. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29830) granting an increase of pension to Francis Caux; to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 29831) granting an increase of pension to James H. Chadwick; to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 29832) granting an increase of pension to Frank Munn; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 29833) granting an increase of pension to Andrew I. White; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 29834) for the relief of Maj. Sanford Willbanks; to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 29835) for the relief of Atancio Casans; to the Committee on Claims.

By Mr. BOEHNE: A bill (H. R. 29836) granting an increase of pension to John W. Turnage; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 29837) granting an increase of pension to Levi Lynch; to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 29838) granting an increase of pension to John Green; to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 29839) granting an increase of pension to David Chaplain; to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 29840) granting an increase of pension to Charles F. Manchester; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 29841) granting an increase of pension to Joseph R. Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29842) granting an increase of pension to William H. Straw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29843) granting an increase of pension to Charles W. Colbath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29844) granting an increase of pension to Leslie Norman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 29845) granting a pension to Hannah J. Hall; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 29846) granting an increase of pension to Patrick McManus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Paper to accompany bill for relief of James M. Thomas; to the Committee on Invalid Pensions.

By Mr. ANDERSON: Petition of Wyant & Helsing, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of Retail Clerks' International Protective Association, against increase of labor hours for Government clerks; to the Committee on Labor.

Also, petition of Rings Post, No. 637, Grand Army of the Republic, West Unity, Ohio, for amendment of age pension act; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Richard Lanning Post, No. 69, Grand Army of the Republic, of Coshocton, for amendment of the age pension law; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William S. Johnson; to the Committee on Invalid Pensions.

By Mr. BOUTELL: Petition of brewers of Chicago, for repeal of tariff on barley; to the Committee on Ways and Means.

By Mr. BENNET of New York: Paper to accompany bill for relief of Mrs. Catherine Studley; to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petition of Minisink Grange, No. 907, Patrons of Husbandry, of Unionville, N. Y., for New Orleans as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. CARY: Petition of Cream City Brewing Co., to remove duty on barley; to the Committee on Ways and Means.

By Mr. CLINE: Petition of Retail Clerks International Protective Association, No. 262, against longer hours of service by Government employees; to the Committee on Labor.

Also, petition of Indiana State Association of House Painters and Decorators, for reduction of duty on zinc, lead, and linseed oil; to the Committee on Ways and Means.

Also, paper to accompany bill for relief of James L. Johnston and Flora Ruppel; to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of citizens of Iowa against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of directors of Commercial Club of Clinton, Iowa, for San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of August Wentz Post, No. 1, Grand Army of the Republic, Davenport, Iowa, for dollar-a-day pension bill; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Maritime Association of Port of New York, for Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: Petition of Sempervirens Club, of California, to grant lands to State of California for Redwood Park; to the Committee on the Public Lands.

Also, petition of Pacific Slope Congress, for legislation to up-build our merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of California oil men and placer mine locators, relative to patenting of locations; to the Committee on the Public Lands.

Also, petition of George W. Werlin, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of Pacific Slope Congress, relative to ports of call; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pacific Slope Congress, relative to naval base; to the Committee on Naval Affairs.

Also, petition of Humboldt Chamber of Commerce, for such change in tonnage laws of the United States as shall permit the establishment of ports of call; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of C. & J. Mitchell Brewing Co., for repeal of duty on barley; to the Committee on Ways and Means.

Also, petition of Maritime Association of New York, for Senate bill 5677; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of John Goethe; to the Committee on Invalid Pensions.

Also, petition of Retail Clerks' International Protective Association, against longer hours of work for Government employees; to the Committee on Labor.

Also, paper to accompany bill for relief of widow of Robert J. Bates; to the Committee on Invalid Pensions.

By Mr. FOSS of Illinois: Petition of Winnetka business men and others, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of masters, shipowners, and others, favoring enactment of Senate bill 5677, in the interest of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Union Furniture Co., of Rockford, Ill., against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford (Ill.) Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of George J. Crooke Co., of Chicago, Ill., for removal of duty on barley; to the Committee on Ways and Means.

Also, petition of Knights of Labor, for revision of the tariff; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of A. L. Brice, of Spaulding, Ill., against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of Civil Service Reform Association of Philadelphia, Pa., approving President's extension of classified service to postmasters and clerks; to the Committee on Reform in the Civil Service.

Also, petition of the Saloon League of America, for the Miller-Curtis interstate liquor bill (H. R. 23641); to the Committee on Alcoholic Liquor Traffic.

Also, petition of Pennsylvania State College, department of animal nutrition, for increased appropriation for experiment station reports, etc.; to the Committee on Agriculture.

Also, petition of Retail Clerks' International Protective Association, against increase of hours of labor for Government employees; to the Committee on Labor.

Also, petition of Chamber of Commerce of Pittsburg, Pa., against the Tou Velle bill (S. 7248); to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Paper to accompany bill for relief of Milo Le Seur; to the Committee on Pensions.

By Mr. HEALD: Petition of Mount Vernon Ladies' Association, against the establishment of a criminal reformatory in vicinity of the grave of Washington; to the Committee on the District of Columbia.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of James Moore; to the Committee on Invalid Pensions.

Also, petition of Wallace Beamer and 30 other citizens of Carrollton, Ohio, against parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HULL of Iowa: Petition of citizens of Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. KEIFER: Petition of Frank M. Sterrett and 745 other citizens of Troy and Miami County, Ohio, for an appropriation for erection of a public building at Troy, Ohio; to the Committee on Public Buildings and Grounds.

Also, petition of H. C. Wiseman, president, and other officers of the Springfield (Ohio) Hardware Co., against a parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Petition of Wisconsin Conference of the Free Methodist Church, for legislation to prohibit Sunday sports in Army and Navy; to the Committee on Military Affairs.

Also, petition of the Wisconsin Conference of the Free Methodist Church, for legislation to give all employees who work on Sunday a day's rest of 24 hours during the next six days; to the Committee on Labor.

Also, petition of Peterson Bros. & Larson and others, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LLOYD: Petition of E. R. Kirkpatrick and others, of Lancaster, Mo., against bill to create a Civil War volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. McDERMOTT: Petition of Knights of Labor, for revision of the tariff; to the Committee on Ways and Means.

By Mr. McHENRY: Petitions of Granges Nos. 52, 46, and 218, Patrons of Husbandry, of Pennsylvania, for Senate bill 584 and House bill 20582, relative to the oleomargarine law; to the Committee on Agriculture.

By Mr. McKINNEY: Petition of Military Tract Educational Association of Illinois, against the Morrill bills; to the Committee on Education.

Also, petition of Mrs. G. Dyson, of Biggsville, Ill., against the creation of a rural parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Woman's Christian Temperance Union of Powellton, Ill., favoring the Burkett-Sims bill, the Miller-Curtis bill, and the Walker-Smith bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of private soldiers of Rock Island, Ill., against a volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. McMORRAN: Petition of C. Kern Brewing Co., of Port Huron, Mich., for removal of duty on barley; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of the Woman's Society of Philadelphia, Pa., for a Federal children's bureau; to the Committee on the Judiciary.

By Mr. O'CONNELL: Paper to accompany bill for relief of Edward B. Pendleton; to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: Petition of Godfrey Post, No. 93, Grand Army of the Republic, against House bill 18899; to the Committee on Invalid Pensions.

Also, petition of Bangor Local Center, for law to promote the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Paper to accompany bill for relief of Maj. Sanford Willbanks; to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Petition of Rhode Island Bar Association, for House bill 22075; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Twin City Baptist Ministers' Association, against repeal of Indian treaties; to the Committee on Indian Affairs.

Also, petition of Minnesota Cannery Association, against placing dates on canned vegetables and fruits; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Petition of Trades and Labor Assembly of Denver, Colo., against action of citizens of Tampa, Fla., in labor troubles; to the Committee on Labor.

Also, petition of the Woman's Club of Canon City, Colo., favoring investigation of causes of tuberculosis and typhoid among cattle; to the Committee on Agriculture.

By Mr. TILSON: Petition of Yale Brewing Co., for repeal of duty on barley; to the Committee on Ways and Means.

By Mr. WASHBURN: Paper to accompany bill for relief of James H. C. Chadwick; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of Patrick McManus; to the Committee on Invalid Pensions.

SENATE.

MONDAY, December 19, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Journal of the proceedings of Saturday last was read.

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota rise to the approval of the Journal?

Mr. McCUMBER. I do. I think that the Journal contains an error, to be found on page 443 of the RECORD. On that roll call there were 16 yeas, 25 nays, and not voting 51, clearly a quorum not voting. I understood that when we adjourned the matter rested in that condition. I notice in the RECORD that the Vice President announced, "The amendment is lost." I do not know what the Journal states in reference to that matter. There was some confusion at the time, but if the Chair made a statement of that kind I did not hear it, and I was trying to be as alert as possible.

The VICE PRESIDENT. The Secretary will read what the Journal states.

The Secretary read as follows:

The question being, on the motion of Mr. BRISTOW, to recommit the bill to the Committee on Claims, with instructions to eliminate therefrom all claims for insurance and premiums,

After debate,

It was determined in the negative—yeas 16, nays 30.

On motion by Mr. BRISTOW,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are * * * ; those who voted in the negative are * * * .

So the motion was not agreed to. The number of Senators voting not constituting a quorum, the Vice President directed the roll to be called,

When,

Fifty Senators answered to their names.

Mr. McCUMBER. That is not all. That is not the entry I referred to.

The VICE PRESIDENT. The Chair did announce at the time the Senator mentions that 41 Senators had answered to the roll call, and that during the roll call 6 Senators had announced that they were paired at the time, and that those Senators, added to the 41, constituted a quorum of the Senate.

Mr. McCUMBER. I suppose the time for the discussion of the point of order which is raised upon that would be when the bill is again before the Senate and not upon a mere correction of the Journal. The matter I wanted to get at at this time was whether the RECORD upon the vote to which the Chair alludes is correct in stating—

The VICE PRESIDENT. The amendment is lost.

That is the point.

The VICE PRESIDENT. That is correct.

Mr. McCUMBER. If the Chair, of course, states that that statement was made, I assume it to be correct—

The VICE PRESIDENT. That statement was made by the Chair.

Mr. McCUMBER (continuing). Although I did not hear it at the time.

The VICE PRESIDENT. Without objection, the Journal will be approved.

Mr. CULBERSON. Mr. President, this is quite an important matter, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Clark, Wyo.	Kean	Scott
Beveridge	Crane	Lodge	Shively
Borah	Crawford	McCumber	Smith, Md.
Bourne	Culberson	Martin	Smith, Mich.
Bradley	Cullom	Nelson	Smoot
Brandegee	Cummins	Nixon	Sutherland
Briggs	Dillingham	Page	Swanson
Bristow	Dixon	Paynter	Tallaferro
Burkett	Flint	Penrose	Terrell
Burnham	Gallinger	Percy	Thornton
Burrows	Gamble	Perkins	Warner
Burton	Hale	Purcell	Young
Carter	Heyburn	Rayner	
Clapp	Jones	Root	

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CULBERSON. I ask that that portion of the Journal be again read in which the Chair undertook to rule substantially that the Chair was authorized to count a quorum of the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read the portion of the Journal to which the Senator from Texas refers.

The Secretary read as follows:

The question recurring on agreeing to the amendment made in Committee of the Whole, viz, Insert on page 127, line 13, after the word "dollars," the following:

"Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum."

It was determined in the negative—yeas 16, nays 25.

On motion by Mr. McCUMBER,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are * * * .

Those who voted in the negative are * * * .

So the amendment was not agreed to.

The number of Senators voting not constituting a quorum,

The Vice President held that with the addition of those Senators who were present and had announced their pairs, and therefore withheld their votes, a quorum of the Senate was present.

Mr. McCUMBER raised a question as to the presence of a quorum,

Whereupon,

The Vice President directed the roll to be called,

When,

Forty-nine Senators answered to their names.

A quorum being present,

On motion by Mr. HALE, etc.

Mr. McCUMBER. I suppose the proper time to discuss the question would be when the bill is before the Senate again today, and therefore I did not press any argument upon that. At that time I intended to ask the President to again rule upon that same point of order. It would appear to me, anyway, to be not in accord with the precedents of the Senate and the rules we have generally regarded here.

Mr. CULBERSON. The question suggested, Mr. President, can be raised by the Senator from North Dakota on the bill probably, but I take it it is not inopportune at this time for me to protest against the ruling of the Chair as being in violation of the rules of the Senate and the precedents of this body. I think that that protest not only may be made, as I now make it, but it may be made in voting against the approval of the Journal, which I intend to do.

Mr. HALE. Mr. President, I do not look upon the situation as disclosed by the Journal and the RECORD as very disturbing in effect, for the reason that under the proceedings no interest and no sentiment upon any part of the bill was lost or destroyed or affected, and a roll call supervening disclosed the condition of the Senate and an absolute quorum present.

I agree with the Senator from Texas [Mr. CULBERSON] as to the intimation from the Chair, and I hope the Chair will carefully consider the question before seeking to enforce a deliberate ruling. I should have no doubt that, under the unvarying practice of the Senate, the question of what constitutes a present quorum upon the call of the yeas and nays is disclosed by the Senators voting yea or nay. It has never in this body been even, I think, intimated that any other test applies to the condition of the body as to doing business. Pairs in this body are arranged upon that basis and are counted as absentees. If a Senator paired can be counted as a part of the quorum, the purpose of the pair may be violated, because it may be intended, and I think always has been by Senators, that when a Senator is paired and announces his pair he is practically absent; he can not help make up a membership of the body as to doing business, though I can see that the Chair, with his great knowledge of parliamentary law and with natural habits